



The Rutherfordz of that Ilk.

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NORMAN DOOR, JEDBURGH ABBEY.—Entrance to the Burial-Place of the RUTHVAFURDS.

PEDIGREE

OF



RUTHERFOORD, LORD RUTHERFOORD.

EDINBURGH : SCOTT AND FERGUSON, AND BURNES AND COMPANY,
PRINTERS TO HER MAJESTY.

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THE
RUTHERFURDS OF THAT ILK,
AND THEIR CADETS.

COMPILED FROM THE PUBLIC RECORDS AND
OTHER AUTHENTIC SOURCES.

[By Thomas H. Cockburn - Hood]



EDINBURGH.

1884.

TO

WILLIAM ALEXANDER OLIVER-RUTHIRFURD,
ESQUIRE OF EDGERSTON,

ARE INSCRIBED THESE NOTES AND PEDIGREE OF THE RUTHIRFURDS,

BY A FRIEND.

P R E F A C E.

THE Records of a family that has helped to make Scottish History, and has produced many distinguished men, are worthy of preservation.

Those who take an interest in Border story, although unconnected with the not very worldly wise—as regarded their own aggrandisement—but brave and loyal race of Ruthirfurd, may consider the labour expended in this endeavour to trace the descent of the various families of the name, not altogether unserviceable.

Professed Genealogists will, he hopes, be lenient to the shortcomings of a mere amateur, who takes this opportunity of tendering his best thanks to Mr. OLIVER-RUTHIRFURD of that Ilk and Edgerston, to whom he inscribes these Notes and Pedigree, for his friendly help in affording him access to the Edgerston

and Hunthill family documents, to which he owes much otherwise unattainable information. He desires also to acknowledge the advantage he derived in prosecuting his attempt from the painstaking researches of the able and erudite scholar, the Reverend WALTER MACLEOD, and the suggestions and aid so courteously given to him by Mr. DICKSON, Curator of the Historical Department in H.M. Register House, and Mr. STODART, Lyon Clerk Depute.

March 1884.

Pedigree
OF
RUTHERFOORD, LORD RUTHERFOORD,

AS SET FORTH BY

SIR ROBERT DOUGLAS, BARONET, OF GLENBERVIE,

ED : 1764.

THE traditional account of the origin of this most ancient family is that a man of distinction on the borders conducted RUTHER, King of Scots, safely through the River Tweed, in an expedition against the Britons, at a place from that event called Rutherfoord. The King, after the expedition was over, bestowed some lands contiguous thereto upon his faithful conductor, from which his posterity assumed the name of Rutherfoord as soon as surnames became hereditary in Scotland.

Certain it is that the Rutherfoords have always been looked upon as amongst the most ancient and powerful families on the borders, were a race of brave and gallant

men, who on many occasions signalized themselves, and fought valiantly against their enemies in defence of the liberties of their country.

There were several considerable families of the surname in the south of Scotland, viz.: the Rutherfoords of that ilk, of Hunthill, of Edzerston, of Hundalie, of Nisbit, of Fairnytoun, of Fernelee, of Capehope,¹ and many others, but the first of them we have found on record is

I. HUGO DE RUTHERFOORD, who is witness in a grant by Philip de Valoniis of the lands of Terpenhow, in Northumberland, to Robert de Stuteville, in or before 1215, in which year Philip de Valoniis died.² He was father of

II. SIR NICHOL DE RUTHERFOORD, who flourished in the reign of King Alexander III., and is mentioned in a charter of that prince, anno 1261.³ He is a witness also to several donations to the monastery of Kelso, and is designed Nicholaus de Rutherfoord,

¹ Caiphaip, Kephope, and Capehope mentioned in this account are various spellings of the same place.

² Book of orig: of Writs penes Macfarlane.

³ Charta penes eund.

Miles, in the years 1270 and 1272.¹
 He had issue two sons,

I. Sir NICHOL, his heir.

II. AYMER DE RUTHERFOORD, who, with many of his countrymen, was compelled to swear allegiance to King Edward 1st of England, anno 1296.²

He was succeeded by his eldest son,

III. SIR NICHOL DE RUTHERFOORD, who appears to have had considerable possessions; for after King Edward I. had over-run Scotland, we find him swearing fealty to him for lands lying in different counties,³ and is designed Nicholaus de Rutherfoord Chevalier, dominus Nicholaus de Rutherfoord, &c. anno 1296. He was father of

IV. SIR ROBERT DE RUTHERFOORD, designed Dominus de eodem, a great patriot and friend of King Robert Bruce. He is particularly mentioned in Barbour's history of that great prince.⁴ He had issue a son,

¹ Chartulary of Kelso, penes eund.

² Prynne's Collect. Vol. III. p. 655.

³ Prynne's Collect. Vol. III. p. 651, &c.

⁴ Barber, Nisbit, and Crawford.

V. SIR RICHARD RUTHERFOORD, of that ilk, who succeeded him ; he is witness in a charter granted to the abbacy of Coupar, and is designed Ricardus dominus de Rutherfoord, anno 1328.¹

In a donation to the monastery of Dryburgh, by William de Felton, Ricardus Rutherfoord dominus ejusd., William de Bosville, Robert de Colville are witnesses, anno 1338.² He was succeeded by his son,

VI. WILLIAM, who, in a donation to the monastery of Kelso, is designed Wilhelmus de Rutherfoord, dominus ejusd. anno 1354.³

It seems that he was afterwards forfeited of part of his lands, though for what reason we know not ; but there is a charter under the Great Seal from King Robert II., Johanni de Allen clerico regis, confirming a charter of King David, in which are these words : Omnes terras quæ fuerunt quondam Ricardi de Rutherfoord infra vice comitatum de Lanark, quæ nos contingunt ratione forisfacturæ Wilhelmi de Rutherfoord filii et hæredis dicti quondam Ricardi contra pacem et fidem nostram existentis, &c.⁴

¹ Chart. penes Macfarlane.

² Chartulary of Dryburgh penes Magist. Erskine de Carnock.

³ Chartulary of Kelso.

⁴ Chart. in pub. Archiv.

The charter is dated in 1357, and the confirmation is in 1377. He had issue a son,

VII. SIR RICHARD RUTHERFOORD, of that ilk, who was in possession of all the estates and dignities of the family. He made a great figure in the reign of Robert III., with whom he was a mighty favourite.

In a confirmation by that prince of a charter of William Turnbull of Minto, Willielmo Stewart nepoti suo, Ricardus de Rutherfoord dominus ejusd. is a witness, anno 1390.¹

This Sir Richard, being a man of parts, was appointed one of the Ambassadors Extraordinary to the Court of England, anno 1398,² and managed his negotiation with dexterity and prudence.

Soon thereafter he and his sons were made Wardens of the Marches, anno 1400, and did their country signal service in repelling the insurrections on the borders.³ He married Jane Douglas, by whom he had three sons,

I. JAMES, his heir.

II. JOHN of Chatto, &c. He was ancestor of the Rutherfoords of

¹ Chart. in pub. Archiv.

² Rymer, tom. VIII. p. 54.

³ Ibid. p. 162.

Hunthill, who at last enjoyed the honours of Lord Rutherford, as will be shown hereafter.¹

III. NICHOL RUTHERFOORD, who got charters under the Great Seal of the lands of Grubet, Mackerston, and others, in the years 1426 and 1430. He was ancestor of the Rutherfoords of Hundalee, &c.

He was succeeded by his eldest son,

VIII. JAMES RUTHERFOORD, of that ilk, who, together with his brother Nichol, were appointed guarantees of a treaty with the English, anno 1449.²

He got charters under the Great Seal, Jacobo Rutherford de eodem, of the lands of Leithbert, Leithbertshiels, and many others, in the years 1451-1452.³ He died soon after, leaving issue a son and successor,

IX. JAMES RUTHERFOORD, of that ilk, who in a gift of the patronage of the Kirk of Rutherford, which formerly belonged to the Earl of Douglas, is designed *filius et hæres quondam Jacobi Rutherford, de eodem*, 13 July 1457.

He appears to have been in great favour both with King James II. and III.

¹ Chart. in pub. Archiv. ² Rymer foed. tom. XI. p. 254.

³ Chart. in pub. Archiv.

He was named one of the Conservators of a truce with the English, anno 1457.¹

He was afterwards appointed one of the Wardens of the Marches, anno 1457.²

He got a charter under the Great Seal, Jacobi Rutherfoord de eodem, of the lands and barony of Hownam, Capehope, Swinset, and others, 8th August 1471.³

He got another charter de jure patronatus ecclesiæ de Bethrule, &c., 13th June 1482.⁴

Also a charter of several other lands to him and Margaret Erskine, his spouse, dated 14th December 1483.⁵

He afterwards got a charter from King James IV. terrarum baroniæ de Edzerston, 15th January 1492.

He was appointed one of the Commissioners for settling the marches on the borders, under the designation of James Lord Rutherfoord, anno 1484.⁶

Also another charter from the same prince confirming a charter granted by Mr. Douglas, of Cavers, as superior of the lands of Rutherfoord and Wells, to himself and Richard Rutherfoord, his grandson and apparent heir, and his heirs male, which failing, to his second son, Thomas Rutherfoord, and Robert, his son and apparent heir, and his heirs male. The confirmation is dated on the said 15th day of January 1492.⁷

¹ Rymer, tom. XI. p. 397.

² Ibid.

³ Chart. in pub. Archiv.

⁴ Ibid.

⁵ Ibid.

⁶ Rymer, tom. XII. p. 246.

⁷ Chart. in. pub. Archiv.

He died in the year 1493, and by the said Margaret, a daughter of the Lord Erskine, he had issue two sons and one daughter :

I. PHILIP, his apparent heir.

II. THOMAS, who at last became heir-male of the family, as will be shown hereafter.

His daughter Christian was married to Sir Robert Ker, only son and apparent heir of Sir Walter Ker of Cessford, ancestor of the Duke of Roxburgh.¹

X. PHILIP, eldest son and apparent heir of James Rutherfoord, of that ilk, married Elizabeth, daughter of the said Sir Walter Ker of Cessford (the two fathers being the parties contracters), by whom he had a son, Richard, who succeeded his grandfather, and two daughters : ²

I. HELEN, married first to Sir John Foreman of Davine, Knight, and secondly to Andrew Rutherfoord of Hunthill, which appears by charter under the Great Seal, *Andreae Rutherfoord de Hunthill et Helenae Rutherfoord, ejus sposae*, of the lands of Kephope,

¹ Charta penes ducem de Roxburgh, ad annum 1484.

² Contract *ibid.* Dispensation from Pope, for this marriage, 9th Nov. 1565, orig. bull. *ibid.*

&c. 20th August 1529, but she had no issue to either.

II. CATHERINE, married to James Stuart of Traquair.¹ She at last became heir of line of the Rutherfoords of that ilk, on which account the family of Traquair have ever since continued to quarter the arms of Rutherfoord with their own.

Philip died before his father, and was succeeded by his son,

XI. RICHARD RUTHERFOORD, of that ilk, who was served heir to his grandfather James on 5th May 1499, but he dying without issue, there happened several disputes with regard to the succession to the estate, between the heirs-male and the heirs of line.

THOMAS, uncle to Richard, served himself heir-male to him, but Richard's eldest sister Helen reduced that service as heir of line; but she dying without issue, as before observed, Sir William Stuart of Traquair, grandson of Catherine, served himself heir to the said Helen, his grandmother's sister, and got the lands of Rutherfoord and Wells confirmed to him as heir of line, but the barony and lands of Edzerston remained with the heir-male, viz. : Richard, son of the

¹ Chart. penes comitem de Traquair.

said Thomas, who got a charter under the Great Seal of the lands and barony of Edzerston, on 13th January 1559. This family still subsists, and they now design themselves Rutherfoords of that ilk.

The next great branch of this ancient family is Rutherfoord of Hunthill, descended from John of Chatto, before mentioned, to whom we now return.

- VIII. JOHN RUTHERFOORD, second son of Sir Richard Rutherfoord of that ilk, got a grant of the lands of Chatto from Archibald, Earl of Douglas, anno 1424.¹

He was succeeded by his son,

- IX. ROBERT RUTHERFOORD, of Chatto, who got a charter under the Great Seal to him and Margaret his wife, *mediæ partis villæ de Scaresburgh*, dated 18th January 1466.²

He lived after the year 1500, and by the said Margaret left issue a son,

- X. ANDREW, who got a charter under the Great Seal, *Andreæ Rutherfoord de Hunthill*, of the lands of Kephope, and many others, dated 20th August 1529.³

¹ Haddington's Collect.

² Chart. in pub. Archiv.

³ Ibid.

He was the first of the family we have found designed by this title, and was succeeded by his son,

- XI. JOHN, who got two charters under the Great Seal, Johanni Rutherfoord de Hunthill, of several lands and baronies, in the years 1535 and 1537.

He left issue a son,

- XII. JOHN RUTHERFOORD, of Hunthill, who succeeded him, and was designed "the Cock of Hunthill;" he left issue three sons: ¹

I. THOMAS, his heir.

II. JOHN RUTHERFOORD, father of John of Bankend, whose male line is said to be extinct.

III. RICHARD RUTHERFOORD, of Littlehaugh, who carried on the line of the family, of whom afterwards.

He was succeeded by his eldest son,

- XIII. THOMAS, who got a charter under the Great Seal, Thomæ Rutherfoord, filio et hæredi Johannis Rutherfoord de Hunthill et suæ sposæ, of several lands, 30th June 1612.

He was father of

¹ Chart. in pub. Archiv.

XIV. JOHN RUTHERFOORD, of Hunthill,¹ who was served heir to his grandfather, John, and left issue three sons :

I. Sir THOMAS.

II. ARCHIBALD.

III. ROBERT.

These three brothers were all successively Lords Rutherford.

He was succeeded by his eldest son,

XV. Sir THOMAS RUTHERFOORD, of Hunt-hill, of whom more hereafter.

We now proceed to give an account of the first Lord Rutherford.

WILLIAM RUTHERFOORD,² of Quarryholes, a cadet of the family of Hunthill, about the year 1600 married Isabel, daughter of James Stuart, of Traquair, by whom she had a son,

ANDREW, afterwards LORD RUTHERFOORD, and a daughter, CHRISTIAN, married to Robert Durie of Grange, in the county of Fife, where descendants claim the peerage, as will be shown hereafter.

This Andrew, betaking himself to a military life, went into the French service, where he soon obtained a company of foot. He gave so many testimonies of his valour and conduct, that he quickly rose to the rank of

¹ Retour in cancellaria. ² History of Royal Family, p. 176.

Lientenant-General, and acquired great reputation for his knowledge of the art of war.

He continued in the French service till the restoration of Charles II. He then came over to England, and having been particularly recommended to his Majesty by the King of France, he soon became a favourite, and was raised to the dignity of the peerage of Scotland, by the title of Lord Rutherford, 19th January 1661.

The patent¹ contains many clauses very honourable for this great man, but we shall here only narrate what concerns the dignity and honours.

Creasse etc. ipsum Andream Rutherford ejusque hæredes masculos ex corpore suo legitime procreatos seu procreandos; quibus deficientibus, quamcunque aliam personam seu personas, quas sibi, quod vixerit, quin etiam in articulo mortis, ad eum succedendum, ac fore ejus hæredes tallicæ et provisionis in eadem dignitate nominare et designare placuerit, secundum nominationem et designationem manu ejus subscribendam; subque provisionibus, restrictionibus et conditionibus, a dicto Andrea, pro ejus arbitrio in dicta designatione exprimentis: ac dedisse etc. et ejus antedict. dictum titulum, honorem et dignitatem, et gradum Domini parlamenti ut ita tempore futuro vocitentur et denominentur cum potestate sibi, suisque antedict. denominandi et designandi semitipsos Dominos Rutherford, etc. etc.

¹ Diploma in pub. Archiv.

This lord continued in great favour with His Majesty, and was appointed Governour of Dunkirk. He managed the sale of that important place with such dexterity, and so much to the King's satisfaction, that immediately upon his return home he was created Earl of Teviot, by patent to the heirs-male of his body, dated 1st February 1663.

Soon thereafter he was appointed Governour of Tangier, and according to the power given him by the Crown in his patent of Lord Rutherfoord, he by his deed of settlement, duly signed and executed by him at Portsmouth, the 23rd day of December 1663, did nominate and appoint Sir Thomas Rutherfoord of Hunthill to succeed him in his whole estate and dignity of Lord Rutherfoord, to him and his eldest son, which failing, to his nearest heirs-male.

This noble lord, immediately after executing this deed, went and took possession of his Government of Tangier; and having made a sharp and bold sally upon the Moors, they were so well prepared to receive him that he and his whole party were cut off on 3rd May 1664; and he having no issue, the honours of Rutherfoord, according to the above destination, devolved upon Sir Thomas Rutherfoord, of Hunthill, before mentioned, to whom we now return.

XV. Sir THOMAS RUTHERFOORD, of Hunthill, eldest son of John, thus succeeding to the estate and honours of Ruther-

foord, anno 1664, was accordingly served and retoured heir of tailzie in general and special to Lord Andrew, 16th March 1665,¹ before a jury of two peers, the lord president, six lords of session, the lord register, King's advocate, three or four knights, &c., and was second Lord Rutherford.

He got a charter under the Great Seal,² with a novo damus Thomæ Domino Rutherford, and took his seat in Parliament accordingly.

But he, dying without male issue anno 1668, was succeeded by his brother,

XVI. ARCHIBALD, third Lord Rutherford, who was served heir in special to him in his whole lands, titles, and dignities on 8th March 1680.³

He also sat in Parliament as a peer, but dying without male issue, anno 1685, the estate and honours devolved upon his brother,⁴

XVII. ROBERT, fourth Lord Rutherford, who sat as a peer in the Parliament of Scotland till the Union, and thereafter voted at the elections for the sixteen

¹ Retour in cancellaria.

² Chart. in pub. Archiv.

³ Retour ibid.

⁴ Records of Parliament.

Scotch peers, but he dying also without male issue, anno 1724, the honours have since been claimed by the next collateral heir-male, viz., Captain John Rutherfoord, lineally descended from Richard Rutherfoord, of Littlehaugh, above mentioned, to whom we now return.

XIII. RICHARD RUTHERFOORD, of Littlehaugh, third son of John, called "the Cock of Hunthill," and granduncle of Thomas, the second lord, was father of

XIV. JOHN RUTHERFOORD, designated of Capehope, who had issue two sons :

I. WALTER (of Capehope), whose male line is extinct.

II. JOHN.

XV. JOHN RUTHERFOORD, second son of John, of Capehope, was designed of Kirkraw ; he had issue a son,

XVI. CAPTAIN JOHN RUTHERFOORD, who claimed the honours of Rutherfoord, as heir-male to Robert, fourth lord, and was accordingly served and retoured heir-male to him, 2nd September 1737. His connection and descent being fully and distinctly proven before a

jury of the most considerable gentlemen of the County of Roxburgh, he thereby became fifth Lord Rutherford.¹ In like manner his son,

XVII. ALEXANDER RUTHERFOOD, who also claims the same honours, and (if his title is sustained by the House of Peers) will be sixth Lord Rutherford.



Seal of AYMER DE ROTHERFORD,
del Counté de Rokesbrug,
A.D. 1296.

Seal of WILLIAM DE ROTHERFORD,
persone del Eglise de Lillesclyne,
A.D. 1296.

¹ Which service (as heir-male) has always stood without being the least shaken. What would appear to give the service greater force was the attempt of Durie of Grange to oppose it, and an action for reduction of the same before the Session in 1738 by Henry Ker of Graden, grandnephew and heir-general of Robert, last Lord Rutherford, both of which were unavailing.—*Riddell's Law and Practice in Scottish Peerages.*

ALEXANDER RUTHERFOORD, sixth Lord Rutherfoord, above referred to, voted at Peers' election in 1752 and 1754, and his petition was presented to the House of Lords by the Earl of Bute in 1761; but dying soon afterwards unmarried, the representation fell to the son of Margaret Rutherfoord, sister of the fifth lord, who married Charles Scott, second son of Sir John Scott, Baronet, of Ancrum. Charles Lord Elphinstone presented, in 1743, protest in behalf of her brother John Lord Rutherfoord, "undoubted successor to the title and dignity of Rutherfoord."

CHARLES SCOTT was a brave and devoted adherent of the House of Stuart. In 1715 he joined in the attempt to place the Chevalier St. George upon the throne; was forfeited, and died in the Tower of London. By his wife, Margaret Rutherfoord, he had issue three daughters and a son,

JOHN SCOTT, called of Belford, County Roxburgh, de jure seventh Lord Rutherfoord. He was also a loyal supporter of the Stuart cause, meeting Prince Charles-Edward at Kelso, on the 4th November 1745, with all the money he could raise.

After the death of Alexander, sixth Lord Rutherfoord, his position, in consequence of the part he took in the events of 1745, and his impoverished condition consequent thereon, prevented his claiming the peerage. He had, however, moved in the matter previously.¹ On the 14th March 1738, he appeared as representative of John, fifth Lord Rutherfoord, at the election of the sixteen representative peers,

¹ Retour of John Scott as heir male to Robert, last Lord Rutherfoord.

and when the name of the holder of the title was called, presented the following memorial.¹ . . .
per hos probos et fideles patriæ hominos subscriptos,
viz. :—

DOMINUM GUILIELMUM KERR DE GREENHEAD.

DOMINUM DAVIDEM BENNET DE GRUBBET.

DOMINUM JOHANNEM SCOTT DE ANCRUM.

DOMINUM ALEXANDRUM DON DE NEWTOUN.

ROBERTUM KERR ARMIGERUM.

PATRICIUM MURRAY DE CHERREYTREES.

JACOBUM EDMONSTONE DE EDNAM.

WALTERUM SCOTT DE HARDEN.

GEORGIUM RUTHERFORD DE FAIRNINGTON.

DAVIDEM RUTHERFORD DE CAPEHOPE.

CAROLUM KERR DE CHATTO.

DOCTOREM JOHANNEM RUTHERFORD DE
HADDONSYDE.

JACOBUM RUTHERFORD DE BOWLAND.

JOHANNEM GLAIDSTANES DE WHYTLAW.

JACOBUM RUTHERFOORD CHIRURGUM DE
JEDBURGH.

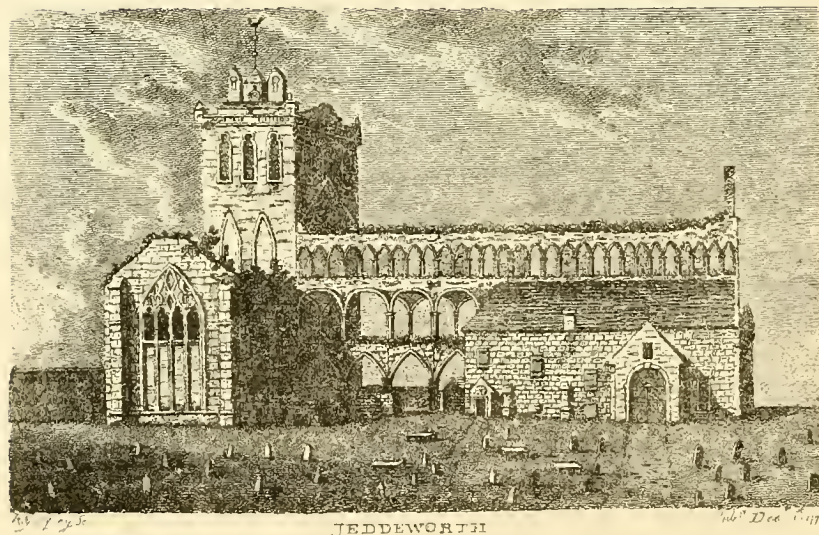
Qui jurati dicunt, magno Sacramento interveniente, quod quondam Robertus Rutherfoord ultimus Dominus Rutherfoord, filius fuit Johannis Rutherfoord, qui fuit filius Thomæ Rutherfoord, qui fuit filius legitimus natu maximus Johannis Rutherfoord de Hunthill, communiter vocat. "The Cock," nepos fratris proavi Capitani Johannis Rutherfoord, latoris præsentium, qui fuit filius Johannis Rutherfoord de Kirkcraw,

¹ Robertson's proceedings.

qui fuit filius Johannis Rutherfoord de Capehope, qui fuit filius Ricardi Rutherfoord de Littleheugh, fratris germani dict. quondam Thomæ Rutherfoord, filii dicti quondam Johannis Rutherfoord de Hunthill; et quod dict. Capitanus Johannes Rutherfoord est legitimus et propinquior hæres masculus, et provisionis dict. quondam Roberto ultimo Domino Rutherfoord, nepoti fratris proavi sui, et quod est legitimæ ætatis, etc.

JOHN SCOTT, of Belford, married Marion Baillie, daughter of Alexander Baillie, of Ashestiel, Selkirkshire, and had issue five daughters. The eldest,

AGNES SCOTT, heir of line of John, fifth Lord Rutherfoord, married Thomas Cockburn of Rowchester, Berwickshire, and had five sons and seven daughters.



JEDDEWORTH

GRANT from the ABBOT of JEDBURGH to ROBERT RUTHERFURD of CHATTOW
and his Wife, of LAIRS in the ABBEY, 13th July 1464.

Be it knowen that alway be my predecessor lorde nor and norow throuw p^rgrate
of god abbot of y^e abbay of Jedburgh yet consent & assent of ourz galle
townt til haff grantyt & be y^e fflout lites graunt til our norow be huffyt
Robert of rutherfurd of chathow & his wyf the wyff our lare wyllym p^r quier
of our abbay of yoll 3^{ij} myles of y^e fflout lites graunt y^e lare wyllym p^r quier
y^e lare wyllym p^r quier but god wylle be y^e lare wyllym p^r quier y^e lare
our throuw quier it p^rcess our d^r p^rcess p^rcess for y^e quier lare d^r p^rcess
quier we want we fflout lites graunt y^e lare wyllym p^r quier y^e lare
throuw we fflout lites graunt y^e lare wyllym p^r quier y^e lare
abbay of yoll 3^{ij} myles of y^e fflout lites graunt y^e lare wyllym p^r quier
p^rcess of yoll 3^{ij} myles of y^e fflout lites graunt y^e lare wyllym p^r quier
p^rcess of our wyff the wyff our lare wyllym p^r quier y^e lare
tant deus abeand quill deus lare wyllym p^r quier y^e lare
p^r deus james of Jedburgh throuw of our p^rcess abbot p^r quier

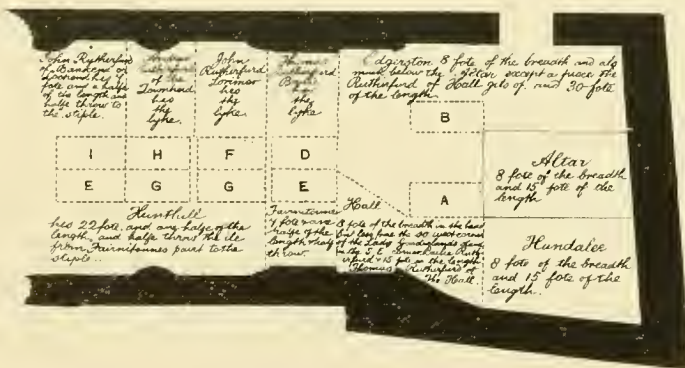
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GRANT FROM THE ABBOT OF JEDBURGH TO ROBERT RUTHIRFURD
OF CHATTOW AND HIS WIFE OF LAIRS IN THE ABBEY, 13TH
JULY 1464.

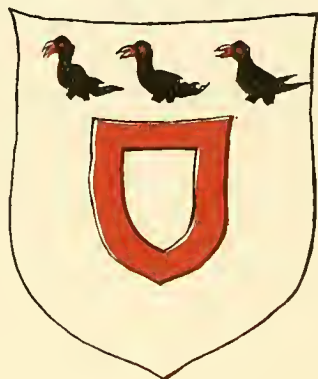
Be it kend till almen be thir presents letteris, *Ws, Androw*, throw the grace off God Abbot of ye Abbay of Jedworth, with consent and assent of our halle convent, till haff grantyt, and be thir present letteris grantis til our weylbelufyt Robert off Rudirfurd and Chattow, and Margaret hys wyff, thar laris within the quher of our Abbay of Jedworth, in the mydeis of the sam nixt the utmost grese (steps) quhar ye lection standis, quhen that God wesys tham to pass off this warlde, and to la thar throioch quhen it plessis tham in ye sayd place. For ye quhylk laris in ye said quher we grant ws fully content and pay it. In witness of ye quhylk thingis we haff set the common sell of our Abbay till thir present letteris at the sayd Abbay of Jedworth, this xiii day of ye moneth of July in the zher off God a thousand four hundreth sixty and four zheris, befoir thir witness, Dene Phelip Waleyss, Supprior of our Closter, Dene Walter Mol, Dene Water Pyl, Dene Johne Cant, Dene Alexander Geddes, Dene Hendry off Glasgow, Dene Wylliam of Jedworth, and Dene James of Dryburgh, Chanonis of our sayd Abbay, and diuers others.

DIVISION OF CHOIR OF JEDBURGH ABBEY BY THE PRESBYTERY
BETWEEN THE FAMILIES OF RUTHERFURD, A.D. 1666.



- | | |
|---|----------------------|
| A. To Lady Boudilands, Colgastons Aunt. | E. To Kinnitoun. |
| B. To Colgastons self. | F. To The Lo owners. |
| G. To Thomas Ruthirfurd of The Hall. | GG. To Kinnhill. |
| D. To Thomas, Bailie and John his son. | H. To Turnhead. |
| I. To Bankhead. | |

RUTHIRFURD OF THAT ILK.



Coat of RUTHIRFURD of that ilk, A. D. 1260.

SIR NICHOL DE RUTHIRFURD was compelled to sign the Ragman Roll with the other nobles of Scotland in 1296. His forced homage did not, however, prevent his being amongst the first barons who joined Sir William Wallace, whom he met in Etrick forest with a well-armed company of sixty warriors. Blind Harry, who wrote his history in 1490, says—

“Gud Ruthirfurd, that euir trew has beyn,
In Atryk wode agayn the sotheroun keyn,
Bydyn he had, and done them mikell der,
Saxté he led off nobil men in wer.”

It is believed that, besides being related by marriage to Marion Braidfute, heiress of Lamington (the patriot's wife), Sir Nichol de Ruthirfurd was connected with Wallace himself, probably through the Halidays. “Thom Haliday's twa gud sonniss, Wallas and Rudyrfurd,” are mentioned by Blind Harry. Haliday was Wallace's sister's son.

Sir Robert de Ruthirfurd, his son and successor, was the devoted friend and companion of Robert

the Bruce ; and went, it is said, with the good Lord James Douglas to carry his heart to Palestine, and fell with him fighting against the Moors in Spain 25th August 1330.

James Ruthirfurd of that Ilk, grandson of Sir Richard de Ruthirfurd and his wife, Jean Douglas, had, besides the estates mentioned by Sir Robert Douglas, grant of the Barony of Broundoun from King James IV., 15th January 1492. He died in the following year. His son Philip married Elizabeth, daughter of Sir Walter Ker of Cessford. She remarried Sir Walter Scott of Bukcleuche and Branxholm. From this marriage descended Ann, Countess of Bukcleuche, who, when twelve years old, was married to Monmouth, son of Charles II. and Lucy Walters, then aged fourteen, who was created forthwith Duke of Bukcleuche. Their eldest son was born nine years after their marriage, and died young ; from the second son, James, descends the present Duke of Buccleuch.

Philip Ruthirfurd's sister Christian married Sir Robert Ker, only son of Sir Walter Ker of Cessford. From this marriage descended Sir Robert Ker, created Earl of Roxburgh, upon whose death in 1650 the title and estates went to his nephew, Sir William Drummond, who assumed the name of Ker.

Philip Ruthirfurd was succeeded by his son Richard, but he dying without issue, Helen his sister succeeded ;¹ she dying also without children by any of her four husbands, a fierce contest ensued

¹ It appears that John, second son of James Ruthirfurde of that ilk, had four sons—James, Robert, Thomas, and William, who on the death of Richard, Philip's son, without issue in 1502, were set up as claimants of the estates, for on 5th February 1505 Mr. James Henderson, advocate, craved a note of Court on

between her uncle Thomas Ruthirfurd and the Stuarts of Traquair, and their allies the Kers. Catherine Ruthirfurd, Helen's sister, had married James Stuart of Traquair, and was herself in bad odour with the Government, being declared a rebel on the 8th November 1532, and all her property ordered to be escheated for "tressonable assistance given to Archibald, sumtyme Erll of Angus." Her

behalf of Helen Ruthirfurd, that John Forman, advocate for Thomas and Robert Ruthirfurd, alleged that "the late John of Ruthirfurd's bairns were bastards;" and on this Mr. J. Henderson argued that the said Thomas and Robert had no interest against the said Helen. No doubt these four sons were illegitimate, as they do not appear to have had any position subsequently.

No proceedings were too daring not to be attempted to deprive the heir-male of his rights. Notice is found of an action raised 7th January 1506-7, in the name of "the Crown, against James, Robert, Thomas, and William Ruthirfurd, sons of the late John Ruthirfurd, second son of the late James Ruthirfurd of that ilk, and against Thomas, Andrew, and Robert Ruthirfurd, sons of the deceased James, for the reduction of a charter of tailzie of the lands and lordship of Edgerston, barony of Broundoun, half barony of Hounam, *i.e.*, Capehope, Grunzenstown, Philogar, and part of Maxtoun, granted to the said James Ruthirfurd, deceased, and after his decease to Richard Ruthirfurd and the heirs-male of his body, then to the late John Ruthirfurd and the heirs-male of his body, then to the said Thomas, brother of the said John, then to the said Andrew and Robert and their heirs-male, then to the surname of Ruthirfurd whatsoever; and of a charter of confirmation granted of the lordship of Ruthirfurd by William Douglas of Cavers, because said charters were granted by the King while under age."¹

No doubt this attempt was made in the hopes that if successful new grant would be obtained by the influence of the unscrupulous Foremans to Helen and her first husband, Sir John Foreman, brother of Andrew, Bishop of Moray, afterwards Archbishop of St. Andrews. "This prelate, the successful rival of Gawin Douglas, was eminent for his talents, his ambition, ecclesiastical preferments, his civil appointments, his avarice, and his duplicity."²

¹ *Acta Dominorum Concilii*, vol. xviii., p. 72.

² *Sir Robert Sibbald's Hist. of Fife*, p. 256.

son William Stuart, however, got possession as heir of line of the estates of Ruthirfurd and Wells, with the fishings on the Tweed, and laid claims also to Edgerston. The feud was waged with such vehemence that in 1536 all the gentlemen of Stirling, Perth, Menteith, and Linlithgow were charged to pass with the Regent to the siege of Edgerston Castle. This stronghold was rebuilt at the expense of the Crown by David II., and the keepership given to Sir Malcolm de Ruthirfurd "for the good service done by him and his predecessors against their ancient enemies in England."

In 1559 the quarrels were at last settled between Richard Ruthirfurd of Edgerston and his cousin Sir John Stuart of Traquair (son of William of Traquair by his wife Christian, daughter of Hay of Yester); the latter signing confirmation of Crown Charter of Edgerston "*Consanguineo suo Ricardi de Ruthirfurd.*" The estates of Ruthirfurd and Wells descended to the Earls of Traquair, who eventually sold them, loyally devoting the proceeds to the service of Prince Charles Edward.¹ The superiority of Edgerston, which had remained with the Stuarts claiming as heirs of line, was resigned to John Ruthirfurd of Edgerston in 1634 by John Stuart Earl of Traquair.

Richard Ruthirfurd of Edgerston was succeeded by his eldest son of the same name. He is stated

¹ Rutherfurd estate was possessed for some time by the Dons, afterwards by others, and was sold last to Mr. Edmund Antrobus, cr. a baronet in 1815, who, through some misapprehension, had granted to him, as ornaments to his own coat of arms, the white horses borne by the Lords Ruthirfoord as supporters (after the peerage was conferred upon the gallant Andrew Ruthirfoord), whose ancestors did not carry them, and from whom the said Barony of Ruthirfoord had passed three hundred years before. The estates erected into Barony of same name by the Lords Ruthirfoord were in a different district altogether.

in the printed account of the family,¹ in which he is called Thomas, to have had, like his contemporary and cousin "Stout Hunthill," nine sons to assist him in the exploits which made him famous and feared on both sides of the border.² It appears, however, by an MS. history of the Ruthirfurds, written about 1700, that he was aided, not by his sons, but by his "six brethren," one of whom was John of the Tofts, described as a man of prodigious strength and valour, with six fingers on each hand, and six toes on each foot. Philip, tutor of Edgerston, and Gilbert of "The Aicks," are mentioned as two others. Philip was appointed tutor for his nephew Thomas, which is sufficient confirmation of the correctness of this statement. Richard, the Gude Edderstane, was at the fight of the Red Swyre in 1575, and lived for more than twenty years afterwards. He married Jean Elliot, sister of the chief of the Elliots, and his son Thomas, called "The Black Laird," from his swarthy complexion, married his kinswoman of the same name,² daughter of William Elliot of Larriston, by his wife Mary, daughter of Sir Walter Scott of Buccleuch, and his wife the Lady Margaret Douglas, daughter of the Earl of Angus.

John Ruthirfurd of Edgerston, grandson of the Black Laird, was a gallant soldier and

¹ Burke's Landed Gentry, page 1391, edit. 1879.

² It has, however, been stated that this Jean was the daughter of Robert Elliot of Redheuch, who married in 1589 the daughter of Sir Thomas Carleton of Carleton Hall, Cumberland. Jean's brother, Robert of Redheuch, married Lady Jean Stewart, daughter of the above-named Lady Margaret Douglas, by her second husband, Francis, Earl of Bothwell. The able antiquarian Mr. Riddell-Carre of Cavers-Carre, in his "Border Memories," has adopted this version, and it is verified by the copy of an old funeral escutcheon preserved in the Lyon Office. Be this as it may, the idea that the Black Laird married both the Jean Elliots, first the aunt and then the niece, and led his sons to the Red Swyre, is erroneous. The date of his service as heir to his father, Richard, is 15th March 1605.

bravely supported the cause of Charles II. He raised a troop of horse at his own expense, and went at their head to the battle of Dunbar, where he was severely wounded, and all but five of his men slain. He then assisted his brother Andrew to raise another company, which he led with spirit equal to his brothers, going with his men to Worcester, and there was deputed to hold the bridge with the assistance of another company, which he did long and gallantly, "making the rebels flee before his sword like swallows," until they forced before them a large herd of cattle, which, pressing upon them, broke their ranks, and many of his followers fell, and he himself lost his leg. After the Restoration the King made him postmaster of Newcastle, with a salary of five hundred pounds a year. His brother had new charter of Edgerston and Broundoun baronies, with all towers, fortalices, manor-place, mills, &c., ratified by Parliament in 1672. He was father of Andrew Ruthirfurd of Edgerston, who died unmarried, having executed a strict entail of the estates, and of Thomas (styled of Wells before he succeeded to Edgerston,—this property having been regained by the Ruthirfurds).

Thomas Ruthirford, who was an Advocate by profession, obtained, during his father's lifetime, assignment from Robert, last Lord Ruthirfurd, of the residue of his estate, Scraisburgh or Hunthill, erected into the Barony of Ruthirfurd, the greater portion of their broad lands having been disposed of by him to Sir John Scott of Ancrum. With his lands Lord Ruthirfurd made over also the reversion of his title (George Ruthirfurd, his cousin, the next heir-male, having died without male issue), and received an annuity from Edgerston to enable

him to live in England and support his position creditably. After this arrangement the Laird of Edgerston assumed the ancient designation of his race, and the family have since been styled of that ilk.

John Ruthirfurd of Edgerston and that ilk, seventeenth Baron in succession from Hugo de Rodyrford, sat in Parliament for Roxburghshire.

The warlike proclivities of his race prompted him to accept the command of an independent company during the war with the United States, and he was killed at the disastrous attack upon Ticonderago in 1758, where the 42d Regiment, in which his nephew was captain, covering the retreat of the British troops, had twenty-five officers, nineteen sergeants, and six hundred and five men killed or wounded.

Sir John Ruthirfurd, this gentleman's father, quartered the coat armour of Ruthirfurd with that of Riddell of Minto, of which family his mother was representative and heiress; and instead of the old crest, *a cock*, with the word *Provyde*, which had come to be borne by so many families of the name, he took *a martlet volant*, and the motto *Nec sorte nec fato*.



Sir JOHN RUTHIRFURD of Edgerston and that ilk, 1720.

RUTHIRFURDS OF BOWLAND AND OF
FAIRNINGTON.

The Rutherfurds of Bowland, a modern cadet of Edgerston, possessed considerable property. Besides the estate from which he and his successors took name, Robert Rutherford, first of Bowland, purchased from Lord Elibank Hollinglee and Thornilee, in Ettrick Forest, in 1712, for thirty-six thousand merks. On the 25th January 1728 his widow, "Anna Murray, Lady Bowland, resigned the annuity settled upon her at her marriage to James, her only son, because she had sufficient competency."

The present family, possessed of Fairnington, descends from Thomas, third brother of the Laird of Edgerston, killed at Ticonderago. They carry the arms borne by the Ruthirfurds of Langnewton and their representatives, the first styled of Fairnington, with the crest and motto used by Sir John Rutherford of Edgerston, the martlet being however, as in the arms, not volant, as is also now the custom with Edgerston.

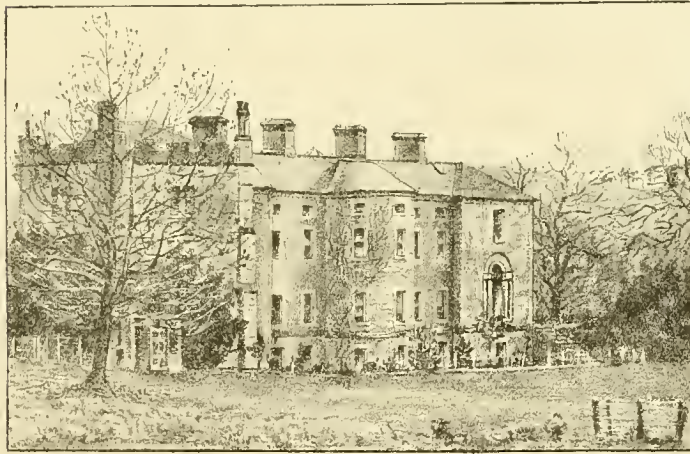
RUTHIRFURD OF THE TOWNHEAD.



Coat of JOHN of the Townhead, and JOHN the LORIMER, 1640.

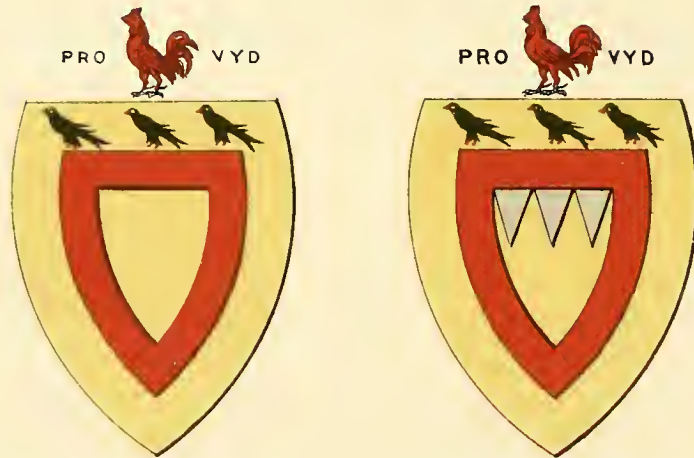
From ARCHIBALD RUTHIRFURD of the Townhead, second son of THOMAS Ruthirfurd, first of Edgerston, descended the family which continued for some generations to be thus styled. The representative was latterly designated of the Hall. John of the Townhead had sasine in 1633, and on 22d February of the same year he had the Castlewood Fields. His son, Thomas of the Hall, married Elizabeth Rae, and their son, William of the Hall, who bought Wall, in Northumberland, "set over his house the coat of arms of Edgerston, with ane rae in base for difference." Several of this family were Provosts of Jedburgh, and a descendant, Robert Ruthirfurd, filled that chair in 1820. In 1666, Thomas Ruthirfurd of the Hall, and John "The Lorimer," a scion of same stock, had apportionments in the choir of Jedburgh Abbey.

Of the descendants of the youngest son of Thomas of Edgerston, John Ruthirfurd, called "Jok of ye Greene," nothing is known with certainty. He was denounced a rebel with the chiefs of his race in 1550. But in 1563 his sons Adam and Charles were accepted as sureties for their cousin the Laird of Edgerston. On the 22d January in that year both Adam and Charles were in ward in Edinburgh, and "Johnne Rutherfurd of Hunthill, Nicholl Ruthirfurd of Hundoley, Ormiston of that Ilk, and Richart Ruthirfurd of Edgerstoun, cautionaris and souerties, that they sall nocht evaid nor eschaip outwith this brucht of Edinburch, but sall remane continualie thairintill quhill the tent day of Februar nix to cum, under the pane of ten thousand pundis."



EDGERSTON.

RUTHIRFURD OF CHATTO AND
HUNTHILL.



Arms of ROBERT RUTHIRFURD of Chatto, 1460. His son ANDREW of Hunthill and Chatto quartered the Coat of Glendinning with his own; *i.e.*, quarterly argent and sable, a cross parted per cross indented and counter-charged of the same.

RUTHIRFURD of Hunthill, 1550. It has been thought by some that the piles blazoned thus in the later coat were not passion nails, but adopted as a mark of their descent from the Glendonwyns or Glendinnings.

ROBERT RUTHIRFURD of Chatto, second son of Sir Richard de Ruthirfurd and Jean Douglas, had his charter from the over-lord, Archibald, Earl of Douglas,

in 1424, and was appointed by him in the following year, along with his brother James of that ilk, and other proprietors in the neighbourhood, to fix the march between the Monastery of Melrose and the Hages or De-Hagas of Bemersyde. Although they had been most generous donors of land to the Church, the Haigs had a constant struggle to keep their own from the grasp of the Abbots ever since the tribute of ten salmon (to wit, five fresh and five old) yearly was compounded in 1292 for half a stone of wax for the Chapel of St. Cuthbert by Petrus de Haga, who had bestowed upon the Church of St. Mary, Dryburgh, broad lands for the welfare of his soul, and that of Katerine, his spouse. The Abbot David and his monks now sought, by the threat of excommunication and its dreadful consequences, to make John Hage, Lord of Bemersyde, give up some of his ancestral acres. "This perambulation was doone the sixtene day of November in the ziere of God 1425, and the marches devydit betwixt Ridpeth and Bemersyde." Robert's son George had confirmation of Chatto under the Great Seal in 1429.

Robert Ruthirfurd of Chatto was known on the borders as "ROBIN with the Tod's Tail," a not high-sounding *sobriquet*, but one honourably gained by him on the memorable morning of the 15th August 1388. Detached with a band of trusty followers from the main body of the Scottish force, he led his men in the early dawn round the back of a hill, with, for want of a better standard, a fox's tail fixed on the end of his lance, and, falling upon the flank of the English, greatly contributed to the victory gained by his countrymen on the field of Otterburne.

His grandson, Robert of Chattow, by his marriage with the daughter of Sir Simon Glendonwyn of that ilk, largely increased his estate, her dowry being the

Barony of Scraisburgh. Sir Simon at that time had immense properties, and got this barony (which once belonged to the Comyns) and Auld Rokesburg, &c., in the shire of Roxburgh, from the Earl of Douglas in 1406.

Katherine Ruthirfurd, sister of Robert of Chatto, married William, eldest son of William Cockburn of Henderland. They had joint charter of Sunderland Hall 30th July 1474. Their son, "Perys of Cockburn," was ruthlessly put to death in sight of his wife Marjorie, by James V. in his memorable expedition, made with the intent, as he said, to cause "the rush bush keep the cow." Margaret, daughter of William Cockburn and Katherine Ruthirfurd, was married to Sir Walter Scott, the first Baron styled of Buccleuch.

Robert's grandson, Andrew of Chatto, who took the designation of Hunthill, added to his possessions by his marriage with his kinswoman, "that honorable ladye Helen Ruthirfuirde, ladye of that ilk," who inherited Capehope as her own patrimony, of which charter was then given under the Great Seal, 29th August 1529, to him and his wife Helen in conjunct fee. Dying without issue, he was succeeded by his brother, John Ruthirfurd, who had charter under the Great Seal, 20th March 1536, of the Baronie of Scraisburg, *alias* Hunthill. On the 8th November 1555, the Queen's letter of charge was obtained at the instance of Stuart of Traquair ordering the sheriff "to desist from serving Jhonne Ruthirfurd of Hunthill as air to vmquhile Andrew Ruthirfurd, his brother, in the lands and baronie of Capehope, allegit to haif bene resignit be vmquhile Helen Ruthirfurd of that ilk, spous to the said Andro," because, besides for other reasons given, "thair is deidly feid betwix the Ruthirfurds and

the Kerris, and the said Jhonne is allay with the Kerris, and has the Laird of Cessfurd's dochter to his wyffe . . . quhilk mycht provoke ane gret inconvenient," &c. The injunction, however, does not appear to have been acted upon, and his son inherited Capehope with the other estates.

John of Hunthill's brother William appears by a deed of 1544 to have been tutor to William Ruthirfurd of Langnewton, and to have had possession of those "140 acras terrarum jacentes inter lapides arenosos, vulgariter dictos le Sandystanys et Over Aulcrum, quas quondam Georgius Ruthirfurd tenuit, et easdem forisfecit per crimina proditorie traditionis." He married Christian, daughter of Christopher Armstrong of Mangerton,¹ whose brother, John of Gilnockie, was so cruelly put to death by James V., who gave possession by deed under his own hand to the Lord Maxwell of the lands "escheat through justifying the said Johnnie to death," quhilk many Scottismenne heavilie lamented, for he was ane doubtit man, and als guid a chiftane as evir was vpon the borders.

John Ruthirfurd of Hunthill, son of John and Isabel Ker, was a very noted chieftain; he was commonly called *the Cock of Hunthill*. In 1565, with the chiefs of Ferniehirst and Cessford, Mow of that ilk, and Ker of Littledean (who married his sister Isabel Ruthirfurd), he signed a bond to stand by Queen Mary, for which Queen Elizabeth made them suffer. In 1570 the Earl of Sussex and Lord Hunsdon wrote to their mistress, informing her that "they had brunte two miles on each side of the river. On the 17th inst. we began with Fairnhurst (which

¹ "Cristofer Armstrong, calit Johne's Pope."—Sup. to *Minstrelsy of Scottish Border*, vol. i., p. 415. He was styled also "Johne's Christe."

stood marvellous strong in a great wode, Lord Surrey told Henry VIII.), and Hunthylle, and brunt and defaced their castills and all the housys about them." In 1575, at the battle of the Red-Swyre, "Stout Hunthill" was there "with his nine sons him about," when

The Ruthirfurds with gret renown,
Convoyed the town of Jethart out,
All boldly foucht that day.

In 1588 King James came with a large force to compel the Laird of Hunthill's sons, the Laird of Ormiston's sons, and the Laird of Greenhead's sons to "enter themselves prisoners into England," as they could not make reparation for the injuries done by them to the English. John "the Cock" is said to have married secondly a daughter of Ker of Greenhead. What became of six of his sons is uncertain. Sir Walter Scott says that they were executed by King James VI.'s orders.¹ If they went into England, no more appears to have been heard of them. Thomas, his second son, succeeded him, and John, called Master John in deeds, Sheriff-Depute of Roxburghshire, and Richard of Littleheuch, are the only three whose names appear subsequently, except William's, the eldest son, who was alive in 1592; as it appears that on 28th September in that year Andro Ker of Phairnihirst, John Ruthirfurd of Hunthill, and William Ruthirfurd, apparent of Hunthill, were denounced rebels for not appearing "to answer twiching the treasonable resett, and intelligence had betwix them and Frauncis, sumtyme Erll of Bothuill." He may have been judicially murdered at one of these assizes, and suffered "*Jethart justice*" with his brothers. At all events he died before his father, for the second son succeeded. Much importance, however, cannot be attached to the correctness

¹ *Minstrelsy of Scottish Border*. Ed. 1833, vol. ii., p. 29.

of Christian names given in these old records, as, amongst numberless instances of errors, John the Cock appears called James in one public document. His son and heir, Thomas Ruthirfurd, had charter under the Great Seal, 30th June 1612, to himself, "filio et hæredi Johannis Ruthirfurde de Hunthill et Jeanæ sposæ ejus," of various lands. Things had become somewhat quieter with him than in his earlier days. In 1583 he was summoned with his father, John the Cock of Hunthill (so called in the writ), to the market cross of Jedburgh for treason, and again in 1592 "for wickedly invadyng ye kingis palaces of Holyrood and Falkland, intercommuning with Bothvill, and ordered not to approach within ten miles of ye king." His son John was served heir to his father and grandfather in Scraisburg, *alias* Hunthill, in 1610. He had conveyance from James Ker of Chatto in 1615 to himself, and Alison, his wife (daughter and co-heir of Andrew Ker, first Lord Jedburgh), of Nether Chatto, Eiddlescleuch, Hanganshaw, and Gateshawfield, with consent of Richard Ruthirfurd of Littleheuch, and John, his eldest son, apparent of Littleheuch, the said lands being redeemed from the said James Ker for 26,000 merks. His third son, Sir Thomas Ruthirfurd, who succeeded as second LORD RUTHIRFURD, settled an annuity upon Dame Alison Ker, Lady Hunthill, his mother, out of Capehope and Nether Chatto. He was served heir to his brother John in 1656, and in 1665 as hæres talliæ et provisionis Andreae Comitiss de Teviot domini Ruthirfurd consanguinei sui baroniâ de Lintoun cum Kirkurd et Lochurd in terris et baronia de Newlandis, jure regalitatis capellæ et cancellariæ advocacione ecclesiarum de Newlandis et

Lintoun decimis parochialium de Lintoun, et Newlandis cum hepdomario foro et duabus mundinis, &c. &c. In 1666 he had a novo damus of all the estates from King Charles II. He died 1668.

Archibald Ruthirfurd of Hunthill, fourth son, succeeded as third LORD RUTHIRFURD, and was served heir to all the estates held by his brother in the counties of Roxburgh and Peebles, including Villa de Ruthirfurd perprius nuncupata Capehope, erected "in burgum baroniæ de Ruthirfurd" by his brother, 8th July 1666. With the story of this unfortunate nobleman the world has been made familiar by Sir Walter Scott. The unhappy *Bride of Lammermoor*, Janet Dalrymple, daughter of the Lord President Stair, his betrothed, died 12th September 1669. The original of *The Master of Ravenswood* went abroad, and died there. His not less unfortunate rival, David Dunbar of Baldoon (falsely called his nephew in the cruel lampoons of the day), was killed by a fall from his horse in 1682. Lord Archibald died s. p. 1685.

The fifth son of John Ruthirfurd of Hunthill by Alison Ker, Robert Ruthirfurd of Hunthill, succeeded as fourth LORD RUTHIRFURD, and on 4th June 1686 was served "hæres masculus Archibaldi Domini Ruthirfurd, fratris germani in terris et baroniæ de Scraisburg, alias Hunthill, exceptis 10 mercatis terrarum, antiqui extentus, vocatis *Gledstanes Lands*, terris de Nether Chatto, Eidlescleuch, Sharplaw et Hanganshaw, et terris de Capehope infra baroniam de Hounam, cum advocazione ecclesiæ de Hounam unitis in baronium de Scraisburg, alias Hunthill, Villa de Ruthirfurd perprius nuncupata

Capehope, *infra* baroniam de Scraisburg, alias Hunthill, erecta in burgum de Ruthirfurd. In 1691 he declared the sale of Nether Chatto to Sir John Scott, Bart., of Ancrum, ratified by the Crown in 1692, and as such sale was in contradiction of the terms of the Earl of Teviot's will, he obtained in that year an Act of Parliament ratifying the Charter from the Crown of Scraisburg also, which Barony he likewise had sold to Sir John Scott. He married Dame Sara Ollens, upon whom he settled an annuity of 2000 merks out of Nether Chatto, &c., appointing John Ruthirfurd of "Kirkraw, trustee" for my ladye. He died d. s. p. 1724.

John Ruthirfurd, second surviving son of John the Cock of Hunthill, is styled, in deed dated 22d August 1619, Master John Ruthirfurd, sheriff-depute of Co. Roxburgh. He had the lands of Hyndhousefield and Howdenbraes, Jedburgh, and also the Maison-Dieu lands confirmed to himself, his wife Barbara, and eldest son John, by Sir John Ker of Jedburgh, 24th March 1623. His wife Barbara was daughter of James Gledstanes of Coklaw, whose father made this the residence, having sold Gledstanes in Lanarkshire, hitherto the headquarters of the family.¹

¹ A younger brother remained at Arthurshiel, a small property belonging to the estate, and William Gladstains is said to have been his great-great-grandson. He died in 1720. He was a maltman in Biggar, and was grandfather of John Gladstones, merchant in Leith, who bought Fasque, and was created a Baronet in 1846. His second son is William Ewart Gladstone, Prime Minister of Great Britain, and Chancellor of the Exchequer. It will be seen by referring to the Chart Pedigree that Sir Stafford H. Northcote, Bart., of Pynes, Chancellor of the Exchequer in Lord Beaconsfield's administration, the present leader of the Opposition, descends from the Gledstanes of that ilk and Coklaw.

John Ruthirfurd of Bankend, son of John, the sheriff-depute, and Barbara Gledstanes, was Provost of Jedburgh and Commissioner to Parliament in 1639, when he was one of those appointed to settle the amount to be paid by each county of the £800,000 voted as a loan by the Convocation of Estates. He was still Provost in 1651 and for some years after, when his son-in-law, A. Ainslie of Blackhill, succeeded him, and a testimonial was presented to him, setting forth "that he had acted in nothing contrary to His Majesty or the liberty of the kingdom." By his second wife he had a daughter Christian, who was married to this Andrew Ainslie. Their marriage-contract was dated 22d April 1664, and on 10th May 1686 they had joint sasine of Hunthill from Robert, Lord Ruthirfurd. Their son, Andrew Ainslie of Blackhill, married Cecilia, daughter of Sir John Scott, Baronet of Ancrum. John Ruthirfurd of Bankend (who before this property came into his possession was styled of Wall), had by his first wife, Margaret Wallace, four sons, William, John, Andrew, and George, and several daughters.

William, his eldest son, succeeded to Bankend, and sold it in 1676, with consent of James Gledstanes of Coklaw, his wife's trustee. By the will of Sir Thomas Ruthirfurd of Hunthill, who succeeded as second Lord Ruthirfurd, proved in the Prerogative Court of the Archbishop of Canterbury 17th June 1668, he was specially called to the succession in these words:—" *And as concerning the title of Lord Ruthirfurd and lordship thereof, and property of the lands of Scraisburg or Hunthill, my mind and will is, &c., &c., whom failing, my brother, Robert*

Ruthirfurd, shall succeed thereto, and the heirs of his body, male or female; whom failing, William Ruthirfurd of Bankend shall succeed thereto, and the heirs of his body, male or female, the heir female always marrying a husband taking the name and arms of Ruthirfurd." By his wife, Esther Langlandis, grand-daughter of George Langlandis of that ilk, William of Bankend had four daughters—Margaret, Isobel, Lillas, and Esther—served co-heirs to their father in Howdenbraes, Skirrel-Naked, and Steipleside, beside Hounam-Kirk.

The second son was John, mentioned as such, and as being then deceased without issue, in a process before the sheriff's court of Jedburgh 23d February 1669, when William, his elder brother,¹ disputed with his father regarding a bond over the lands of Saint Thomas's Chapel, which he had received "from his umquhyle brother John."

Mr. John Ruthirfurd in Morpeth, however, who laid claim to the peerage in 1788, and his son John, who carried his claim to the House of Lords in 1833, sought to establish their right as heirs-male of John of Bankend, the descent set forth in the pedigree laid before the Committee of Privileges being stated to be from Robert Ruthirfurd, officer at Hounam for Robert, fourth Lord Ruthirfurd, asserted to have been the lawful son of John of Bankend's second son, John. There is no question, however, that his younger brother George was

¹ William did not, however, get the money, as it appeared that the arrangement had been made by his father, John of Bankend, Provost of Jedburgh, with Sir Andrew Ker of Greenhead, on behalf of his son John, and his eldest daughter, Barbara, married to William Crombie of Sharpitlaw, Sheriff-Clerk of Roxburghshire, to whom John had made over his moiety of the bond for 3000 merks.

served heir-male to William of Bankend on the death of the third son, Andrew.

Andrew Ruthirfurd, third son of John of Bankend, had charter from his father, dated 19th November 1661, "of Bellinghill, Sharplaw, and the Hill, which are all proper parts of Bonjedburgh." He went abroad in that year, and entered the army, serving with the Scotch Grenadiers. "The brave Major Andrew Ruthirfurd outdid by his valiant and daring deeds even his distinguished relative and namesake, the Earl of Teviot, and astonished the commander, the Marquis of Noailles, at the taking of Rosas, and still more the German General Stirk, when, in the presence of an overwhelming force, was won that deep and dangerous ford still called 'The Passage of the Scot.'" ¹

¹ But the men under Major Ruthirfurd's command were no ordinary soldiers. His force was composed of his own company of Scottish Grenadiers, Captain John Foster's veterans of the Dumbarton regiment, and the hundred and twenty gentlemen, tried officers who had served with Claverhouse, and nobly followed King James into exile, humbly entreating him to have them reduced to a company of private sentinels, and choose officers to command them. ¹ "On the 4th September 1693 the company of officers, with the other two Scotch companies, received orders to march to Alsace. Famine and the sword had thinned their ranks, but had not diminished their spirit, as their last exploit will show. In December 1697 General Stirk appeared with 16,000 Germans on the other side of the Rhine, which obliged the Marquis de Sell to draw out all the garrisons in Alsace, who made up about 4000 men, and encamped on the other side of the Rhine, over against General Stirk, to prevent his passing the Rhine and carrying a bridge over into an island in the middle of it. . . . But arriving too late, the Germans had carried a bridge over into the island, where they had posted above 500 men, who by order of their engineers entrenched themselves, which the company of officers perceiving, who always grasped after honour, and scorned

¹ *The Scots Men-at-Arms and Life Guards in France*, vol. ii., p. 217.

No more is known of this gallant great-grandson of Stout Hunthill. His youngest brother, George, was served heir-male to his brother William, so, if he married, he like his brothers left no son.

George Ruthirfurd, fourth son of John of Bank-end, a merchant in Dunbar, was at the time of his death in 1710 sole surviving male descendant of

all thoughts of danger, resolved to wade the river, and attack the Germans in the island; and for that effort desired Captain John Foster, who then commanded them, to beg the Marquis that they might have liberty to attack the Germans in the island, who told Captain Foster when the boats came up they should be the first that attacked. Foster courteously thanked the Marquis, and told him they should wade to the island, who shrunk up his shoulders, prayed God to bless them, and desired them to do what they pleased. Whereupon the officers, with the other two Scotch companies, made themselves ready, and in the dusk of the evening, having secured their arms round their necks, waded into the river hand in hand, in Highland fashion, with the water as high as their breasts, and having crossed the heavy stream, fell upon the Germans in their entrenchment. These were thrown into confusion, and retreated, breaking down their own bridges, whilst many of them were drowned. When the Marquis de Sell heard the firing, he made the sign of the Cross on his face and breast, and declared publicly that it was the bravest action he ever saw, and that his army had no honour by it. The company kept possession of the island for six weeks, notwithstanding repeated attempts on the part of the Germans to surprise and dislodge them; but all having been defeated by the extreme watchfulness of the Scots, General Stirk at last drew off his army and retreated." On the 11th of September 1697 the treaty of Ryswick was concluded, and this gallant company was broken up and dispersed; and, as mentioned in the *Memoirs of the Lord Viscount Dundee*, "thus was dissolved one of the best companies that ever marched under command. Gentlemen who in the midst of all their pressures and obscurity never forgot they were gentlemen, and whom the sweets of a brave, a just, and honourable conscience rendered perhaps more happy than the most prosperous," &c. It does not appear to be perfectly certain that Major Ruthirfurd had survived

Master John Ruthirfurd, Sheriff-Depute, and was reputed heir to the title of his kinsman Robert, Lord Ruthirfurd. He married Jean, daughter of Robert Pringle, a merchant burgher, also of Dunbar. Their marriage, on 6th April 1680, was witnessed by Henry and William Ker, brothers-german to John, Lord Bellenden, who signed the documents. Like

to share in the honour gained on this occasion by the companies he had led so often. The episode which made him so well known to friends and foes at Rosas is thus described in the said *Memoirs of Dundee*:—"On the 27th May 1692 the company of officers and the other Scotch companies were joined by two companies of Irish to make up a battalion in order to mount the trenches, and the major part of the officers listed themselves in the company of grenadiers under the command of the brave Major Ruthirfurd, who on his way to the trenches, in sight of the Marshall de Noailles and his court, marched with his company on the side of the trench, which exposed him to the fire of the bastion, where there were two culverins and several other guns planted, likewise the fire of two curtins lined with small shot. Colonel Brown, following with the battalion, was obliged in honour to march the same way Major Ruthirfurd had done; the danger whereof the Marshall immediately perceiving, ordered one of his aides-de-camp to command Ruthirfurd to march under cover of the trenches, which he did; and if he had delayed but six minutes, the grenadiers and the battalion had been cut to pieces. Ruthirfurd with his grenadiers marched to a trench near the town, and the battalion to a trench on the rear and flank of the grenadiers. . . . Then firing began on both sides to be very hot, and they in the town, seeing how the grenadiers lay, killed eight of them. When the Governor surrendered the town, he inquired of the Marshall what countrymen these grenadiers were, and assured him 'twas on their account he delivered up the town, because they fired so hotly, and he believed they were resolved to attack the breach. He answered, smiling, "*Ce sont mes enfans*;" and again, they are the King of Great Britain's Scotch officers, who, to show their willingness to share his miseries, have reduced themselves to the carrying of arms, and chosen to serve under my command."

his brothers, he also left only two daughters, Jean and Catherine. It appears he had a son named George, who married his cousin, Mary or Jean Pringle, but died soon after, before his father, without issue.

The third son of John the Cock of Hunthill was Richard Ruthirfurd of Littleheuch (Dickon-draw-the-Sword), the Provost of Jedburgh, who, with his father and brothers, led the valiant burghers to the fight at the Reidswire or Reidsquhair, upon 7th June 1575. The office was long held afterwards by his nephew, John of Bankend. In those troubled times it was one of great importance when five hundred stalwart men, "the Staffis," echoed their leader's slogan, "Jethart's here;" and the Provost and his bailies had power to hang, drown, and justify." It was commonly therefore held by a member of one of the chief families in the neighbourhood. So late as 1746, Robert, Lord Ker, was Provost of Jedburgh.

"Master John Ruthirfurd, Sheriff-Depute, and Richard Ruthirfurd, sons of John of Hunthill, called the Cock" are mentioned as Commissioners for County Roxburgh in 1617. It may be presumed the Sheriff could sign his name, but the redoubtable Provost's hand was led on the pen when he put his name to the bond to serve the Earl of Bothwell, which he declared in the King's presence he had done, *not as provest, but as ane prevat man cum of Hunthill.*" He was frequently in trouble with the Government in consequence of his fidelity to Queen Mary. In 1681 Sir John Stuart of Traquair became suretie in the sum of 1000 merks for his appearing when called upon to answer charges of

treason. He died in 1634, having married Liliās, daughter of James Gledstanes of Coklaw, whose other daughter, Barbara, was the wife of his brother John, the Sheriff-Depute. This James was the Gledstanes' "Good-at-need," who came with the men of Hawick and Rule Water to the fight at the Red Swyre. Liliās appears to have had as her dowry the ten-merk land in Lanton called Gledstanesland, which, when Sir Simon Glendonwyn's charter of Scraisburg was confirmed, 18th January 1466, by King James III. to Robert Ruthirfurd of Chatto and his wife Murgaret, was held by George Gledstanes of the family of Coklaw, whose ancestors these "nobil menne James de Gledstanes and Thomas de Gledstanes witnessed in 1404 sasine to the Abbot of Melrose of Great Cavers, under a Bull from Pope Benedict XIII." The family of Coklaw and that ilk ended in 1737 with Janet, daughter of Robert Gledstanes of that ilk and Coklaw, who died unmarried.

Her remaining lands of Dòd, which marched with Capehope, Ormiston, and Orchard, were divided between the heirs-portioners, John Gledstanes of Whytelaw, and Robert, son of James Ruthirfurd, surgeon in Jedburgh, and Esther, his wife, sister of Robert Gledstanes of that ilk, sasine or precept of *clare constat* being given 22d September 1738. John Gledstanes of Whytelaw was descended from Walter Gledstanes of the Flex, a "neare cousyng to my Lord of Buccleuch," by his wife, Esther Ruthirfurd, daughter of Richard of Littleheuch. He was one of "the squires of name" in Branxholm Hall, all the others, Satchell says, being gentlemen of the name of Scott. The Flex was an ancient possession

of the family. It was in the possession of Thomas de Gledstanys, son of Sir William de Gledstanys, to whom and his wife Margaret, King James I. gave (26th March 1430) confirmation of grant of Robert-island, Co. Selkirk, which belonged to the Duke of Albany, and was given by him to the Gledstanes on 8th November 1458. Thomas's son, Alexander de Gledstanys, got confirmed to him by King James II. "terras dominicales de Kirktoune, et molendinum ejusdem ac terras de Flexis in Baronia de Hawic—

John, second son of Richard Ruthirfurd of Littleheuch (Walter, his eldest brother, having died without issue), was served on 6th April 1626 "hæres Ricardi Ruthirfurd de Littleheuch patris, in terris baroniæ de Capehope vocatis Phillop-hope, Hardroddis, Maksydbank, Priestschawis, &c.," which his father had from John of Hunthill (styled in deed of infestment Baron of Capehope). In 1666 these lands were confirmed to him, "consanguineo suo Thomæ Domino de Ruthirfurd," from whom he had sasine also of the Nether Mains of Capehope, *alias* Kirkraw. He had also in 1648 charter from Thomas Lord Ruthirfurd's elder brother, John of Hunthill, of Huntliedene and Lyalroddis, in barony of Capehope, granted "for the love I bear to my kinsman." He married Eupham, daughter of

Walter Gledstanes of Dod, and, dying in 1679, was succeeded by his sons, Walter and John, as heirs-portioners.

John Ruthirfurd of Capehope, called of Kirkraw, had deed of confirmation from Archibald Lord Ruthirfurd, of the portions of Capehope left to him by his father, included in the newly constituted barony of Ruthirfurd. He was witness to the infeftment of his brother Lord Robert in the estates, and was appointed by him trustee for his wife, Dame Sara Ollens. He married first Cecilia, daughter of Archibald, eldest son of Raguel Bennet of Chesters; whose sister married John Ruthirfurd of Keidheuch.

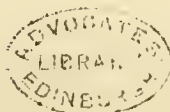
John Ruthirfurd's son, Captain John, was served heir as fifth Lord Ruthirfurd. He had served with distinction and the customary courage of his race in "Grant's Regiment," and had rescued at the peril of his own life his sorely wounded cousin, Captain Robert Ruthirfurd, son of Walter of Capehope, at an attack upon an outpost at the siege of Lisle in 1708, which the brave Captain Robert had carried with only sixty men, holding possession against the reinforcements sent out from the garrison, until only fifteen of his men remained alive, when he sallied forth, and fell covered with wounds, of which he died in three days. Lord John Ruthirfurd's son Alexander, styled sixth Lord Ruthirfurd, died unmarried, so the representation fell to his cousin, John Scott of Belford, son of Charles Scott of Palacehill, by his wife, Margaret Ruthirfurd. He married Marion, daughter of Alexander Baillie of Ashestiel, by his wife, Mary, daughter of Bishop Wood of Edinburgh, to whom Charles II. gave the

band off his hat as he came out of church, with a handsome compliment to his eloquence—a relic preserved with much veneration by his daughter's family, which suffered so severely for their loyal devotion to the cause of the Stuarts.

The last male descendant of Walter of Capehope was David, his grandson, who married Margaret Ruthirford, daughter of Robert Ruthirford of Fairnilee, and left a daughter, Elisabeth, married as first wife to Walter Scott of Wauchope, but died without issue. This lady, like her Aunt Alison (Mrs. Cockburn), was much distinguished in the literary circles of Edinburgh for her talents both as a writer and conversationalist. Misconceptions have arisen respecting the two David Ruthirfords; her father, styled of Capehope, even after Lyalrods and Huntliedene (or Greenhills) had passed from the possession of the family, having been mistaken for her half brother David, the eldest son of Robert Ruthirford of Fairnilee by his first wife, who was also called of Capehope, after his father settled upon him the lands there, which he acquired from Robert Lord Ruthirfurd in 1698.



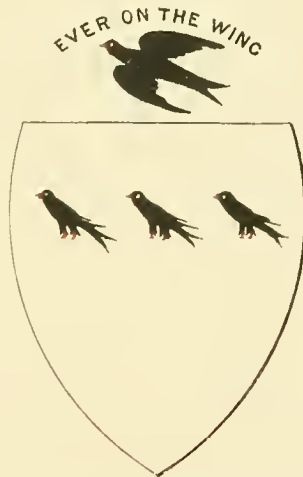
RUTHIRFURD of Capehope.



Amongst the distinguished soldiers of the race of Chatto may be mentioned Adam Ruthirfurd of the Dolphinston branch of the family, who served from 1640 for twenty years in France with great distinction with the Scottish auxiliaries, and became Major of the Douglas, afterwards called the Dumbarton Regiment,¹ and his son Andrew, who was a Lieutenant in the same corps when it was recalled to England, and ordered to march against the forces in Scotland under arms for King James. Andrew, who had got his promotion as Captain, persuaded four hundred of the men to follow him, and made forced marches in order to join Dundee; but being delayed and harassed by some cavalry sent after him, two regiments of foot came up, whereupon he took up so commanding a position that he was able to make terms for his men, who were allowed to rejoin their regiment, he and his comrade Johnstone, brother of the Earl of Annandale, remaining as prisoners on parole. In the end, in reply to his petition to King William, having been informed that "he might go when and where he liked," he returned to France, and entering the service again of the French King,

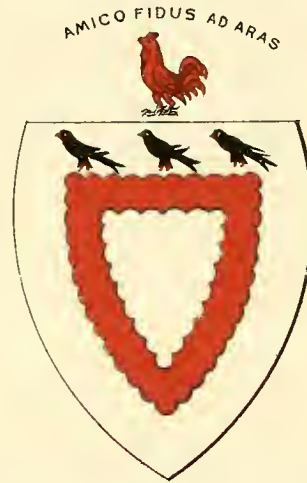
¹ At the Union in 1707 the Dumbarton regiment was incorporated with the British army, and is now known as the First or Royal Regiment of Foot. No corps in the French service had gained greater fame than this body of warriors, for with it was embodied the residue of the celebrated Gardes Ecossaises, quite distinct from the old "Garde Ecossaises du Corps du Roi." Raised by the Earl of Irvine in 1642, it was present at the battle of Lens and fought in the front rank by the side of the French Guards. It was this regiment that the Earl of Teviot commanded after Lord Irvine, and by the gallant manner in which he led it until he retired from the command after the peace of the Pyrenees attracted universal attention and admiration.

was killed in an engagement when he was in command of two hundred volunteers, English, Scotch, and Irish. His father's elder brother, John Ruthirfurd, afterwards Provost of Jedburgh, fully shared the fire and spirit of his race. He was in the army also, and was a Lieutenant at the siege of Newcastle in 1640, and his company had the advanced post. "The Captain being absent, he was in command, and was the first to gain footing on the town wall, and to help himself caught hold of one standing thereon, who, amazed at his boldness, pulled him up, when he was hardly beset for his life, until his soldiers quickly following, the place was taken, and he was advanced to be Major."



Major ADAM RUTHIRFURD of Ladfield, and other RUTHIRFURDS of Dolphinston.

RUTHIRFURDS OF LANGNEWTON,
FAIRNINGTON, &c.



RUTHIRFURD of Langnewton, 1550, without any crest. GEORGE
RUTHIRFURD of Fairnington, 1600, added the crest and motto.

RUTHERFURD of Langnewton came next after Hunthill in the old entail, made by James Ruthirfurd of that ilk 14th January 1492. George Ruthirfurd of Langnewton gave charter 25th November 1497, "from his place of Sandystanys," to his grandson Walter of this estate. In the same year an inquest respecting boundaries of the Abbey and Bemersyde lands again was held at Melrose, "coram prouidio viro Georgio Ruthirfurd, domino de Langnewton." Adam, his brother, was Master or Prior of the order of Anchorites, the ruins of whose monastery were called Martlet's Walls in after times.

These monks lived in caves cut out of the "Sandy-stanys of Over-Aulcrum," and it is presumed that this churchman gave to his brother the 140 acres there, which were forfeited, but held afterwards by William, "brother-german to the Lard of Hunthill," as tutor to William, who succeeded, being served heir 17th March 1547 (proceeding upon precept from William Douglas of Lochleven, the over-Lord) to Walter Ruthirfurd; he is styled "filius patricii." In 1550 William of Langnewton had sasine of various other lands. On the 15th April 1578 he subscribed bond of allegiance along with Douglas of Cavers (hereditary sheriff of Roxburghshire), Nichol Ruthirfurd of Hundoley, Knycht, Andro Ruthirfurd, y^r of Hundoley, Thomas Turnbull of Beddrowll, Knycht, Richert Ruthirfurd of Edgerstoun, Johne Ruthirfurd of Hunthill, Richert Ruthirfurd, Provost of Jedburgh, and John Turnbull of Mynto, "our hands led on the pen be the nottar underwrytten, because we cannot write." All these barons were denounced rebels 3d October 1583, excepting William of Langnewton, whose name is not found later; he had probably died, and his son been a minor when Langnewton, which was a strong fortalice, was seized upon by Andrew Ker of Newhall, who on 13th July 1589 was denounced a rebel for "continuand and contemptuous rebelloun, in that he had surprisit and taken the tour and fortalice of Langnewton," which on 26th September 1513 was given into the custody of Adam, the Master of Anchorites, for protection "during the tyme of the frost."

William of Langnewton's successor, George, was designated of Fairnington, part of the old property of Langnewton. His great-grandson, George Ruthir-

furd of Fairnington, quarrelled with his brother-in-law Thomas Haliburton about a boundary, and the rencontre ended by Haliburton's being slain, after which the family went to the West Indies. From Thomas, Adam, and Patrick, younger sons of George Ruthirfurd of Langnewton, came the families of Kidhugh, and those settled in Nesbit for some generations, one of whom was ancestor of the Rutherfords of Knowesouth. Thomas Ruthirfurd was served heir to his brother Andrew, called of Quhytehouse, in Nesbit, and had charter under the Great Seal 16th December 1642 of Rouchcastell, forest of Rowchcastell, and the mains of Harden. In 1656 he appears still styled "Thomas of Rowcastell, called of Quhytehouse, in Nesbit." A new infestment upon Crown Charter, dated 1st June 1748, was obtained by his descendant Thomas Rutherford of Ruecastle or Knowsouth, provision being made in the deed that, failing his own direct heirs, or his brothers, "the eldest sister shall succeed thereto without division, she marrying an Esquire, taking the name and arms of Rutherford of Knowsouth." He married Christian Elliot, and had several children, who all died young; and his brother Captain John having also died without issue, his sister Jean succeeded to Knowsouth. She married Thomas Scott, uncle of the author of *Waverley*. Their son Charles succeeded to the property, but did not take the name and arms of Ruthirford, and sold the property to the proprietor of Edgerston.

One of the Ruthirfurds in Nesbit was Kentigernus or Quintin, who had East Nesbit in 1553: whether he was the son of the above-named Patrick or Adam is not known. His descendant John Ruthirfurd

married Grizel Ramsay, and was in East Nesbit in 1630, when he died, *s.p.*, and was, it is said, brother of Gavin Ruthirfurd, who, after the Union, became possessed by marriage of lands on Reed Water, near Rochester, of the value of £300 a year. He got from the King a Captain's commission for the youngest of his twenty-one sons, "a piece of vanity, the chronicler says, to let see that he and all the rest of his sons could serve the King too, so they all rode as inferior officers or centinells in the troop he had raised and maintained by parting with his land to the Shaftoes of Bavinton and the Withringtons of Cheeseburn-Grange."

The vain, perhaps, but courageous old gentleman went with the troop to Worcester, where he and fourteen of his sons were left dead upon the field; three died of their wounds, and four were made prisoners, who, when afterwards released, having no means of support and no home, went to France, and entering the army there, were heard of no more.

RUTHIRFURD OF KEIDHEUCH.



RUTHIRFURD of Keidheuch, 1580.

WALTER RUTHIRFURD, younger brother of George, first of Langnewton, founded this family; he had the third part of Crelling or Crailing, and the "corne milne" thereof; and also by marriage or otherwise acquired Kidhuch, with the fortalice of Langrink, in Selkirkshire. His son William was in possession in 1545. William of Keidhugh's grandson Adam had charter of Nether Crailing to himself and his son John, in conjunct fee, 10th February 1621. This John of Kidhugh gave charter, 10th December 1656, of lands in Bedrule to Thomas Ruthirfurd of Quhytehouse, in Nesbit. He was father, by his wife Isobel, daughter of Raguel Bennet of Chesters, of Andrew Ruthirfurd of Keidheuch, who had confirmation of Nether Crailing from Dame Marie Leslie, spouse of William Lord Cranstoun, 21st August 1664. He arranged an excambion with her husband of the lands of Pathhead.

His son, John Ruthirfurd of Keidheuch, had charter, 26th January 1700, on purchase for 51,000

merks of the barony of Fairnilee from Patrick, eldest son of Sir Thomas Ker of Fairnilee, which he disposed in the same year to Robert Rutherford, then styled of Capehope, with the proviso that the lands of Keidheuch should be reconveyed to him, which was done the same day.

The third son of Sir Richard de Ruthirfurd and Jean Douglas was William de Ruthirfurd, Lord of the Barony of Eckford. In some memoirs he is called Gilbert, but is mentioned as William in an old MS. pedigree of the family. He was doubtless a turbulent Border rider, and was slain by Walter Scott of Kirkurd, who got grant of Eckford from King James II., 3d May 1437. This chieftain had also the honour of Knighthood from His Majesty, and grants of Bucleuche and Branhholm for the aid he gave against the Douglasses. He was not very particular himself regarding the ownership of the cattle he brought home, any more than William de Ruthirfurd, remarking that the beasts of Cumberland were just as good as those of Teviotdale.



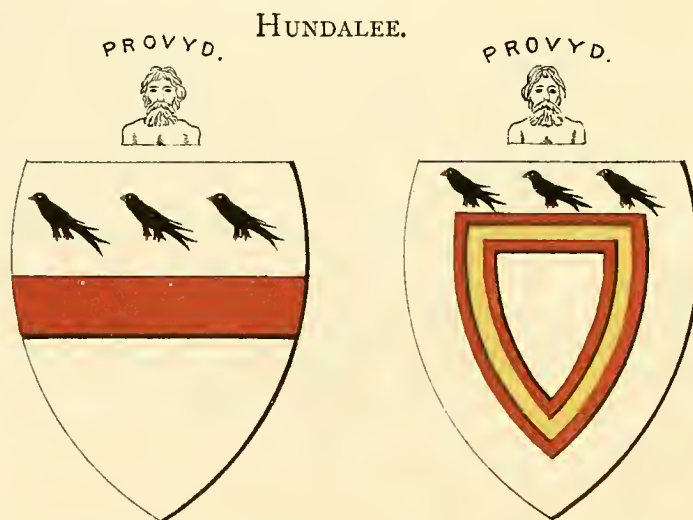
WILLIAM DOM. DE RUTHIRFUIRD, temp. James II

Sir John de Ruthirfurd was the fourth son of Sir Richard.¹ He was a gallant soldier, and fought against the English at the battle of Beaugé in 1421, where

Swinton laid the lance in rest
That tamed of yore the sparkling crest
Of Clarence's Plantagenet.

He fell with his kinsman, Sir John Turnbull, and many other Scottish knights at Cravant, where three thousand of his brave countrymen, deserted by the rabble of all nationalities, were left to fight alone and perish on the field of battle.

The fifth son, Nichol, was the founder of the powerful and prosperous house of



JOHN RUTHIRFURD of Hundole, 1500.

RUTHERFORD of Hundalee, 1600.

¹ Sir Robert Douglas does not mention either of these two sons of Sir Richard de Ruthirfurd, but he had not access probably to the documents in which their names are mentioned, and consider-

Nichol de Ruthirfurd was guarantee of treaty with England along with his brother James of that ilk in 1449. He had charters of Kirkyetham, Malkeston, Grubehewed or Grubet, in 1421, from King James I., also of Corbet, once the possession of the very ancient family of that name. He was succeeded by his son

John Ruthirfurde, styled Johannis Ruthirfurde, dominus de Hundwaley, in Act of Parliament 1467, appointing him, with John Aynsle de Dolphinstoun, to make valuation of the shire. In 1434 he was ordered, on pain of denouncement as a rebel, to leave the Abbey of Jedburgh, "void and redd," and to allow Thomas Cranstoun, the Abbot, to take possession. At this time the whole choir of the Abbey was already divided amongst the Ruthirfurds for burying their dead; and a family quarrel had probably arisen in consequence of the Abbot interfering to give some of the Cranstouns place there. His son

John Ruthirfurde, styled in deed 1491 John of Ruthirfurd of Hundole, had charter in that year from King James IV. of the lands of Rowcastell or Rughchester, on resignation by Thomas Dickson, and the seven mark land of Samelstoun on resignation by

ing the very limited sources of information at his command, and the dilapidated state of the public records, now so carefully copied and printed, it is only matter for surprise that he contrived to collect such a mass of authentic family history. The mistakes in Christian names are perhaps not so many as may appear, as the same individual is often mentioned under different ones, as in the case of the first proprietor of Chatto, and others mentioned in these notes about the Ruthirfurds.

Thomas Ker of Cessfurde. In 1502 he produced remission to himself and his brother Thomas "for intercommuning with ye Ruthirfurdes, ye Kingis rebels." The castle of Hundolee was destroyed by the English in this reign. In 1492 he obtained a decree from the Privy Council against William and Archibald Douglas of Cavers, and John Gledstanes of that ilk, for 100 merks due by them to his grandfather Nichol. He married Christian Boyd. On the 21st January 1500, John Ruthirfurde of Hundole, and Christian Boyd, his spouse, were ordained by the Lords "to pay William Ker, in Lintoun-Lee, and Margaret Johnstone, his spouse, the sum of 90 merks for the marriage-contract which should have been betwixt their daughter Alison and George, eldest son and apparend of the said John, because the said Alison deceased before the marriage."

George Ruthirfurde of Hundoley succeeded in 1504. On the 14th October 1503, he had, as heir-apparent of John of Hundoley, new charter of Kirk-yettam. In 1524, along with Andro Ker of Phairny-hirst, Andro Ker of Cessfurde, Walter Scott of Bukcleuche, he swore "that they for thaimself, Kynne, freindis, pairt takiris, &c., sall lely and trewly serve Archibald Erll of Angus, ryde, gang, and serve him at their possible power into the office of Wardening and Lieutenantry for staunching of theft, slauchter, and inconvenientis, and for the executing of justice, and furth-bering ye Kingis autorite." In 1538 he is found with Andro Ker of Cessfurde, Douglas of Cavers, Ruthirfurde of Hunthill, and Andro Ker of Dolphinstoun, called upon to underlie the law for assisting and favouring George Ruthir-

furd, called Cokburne, John Ruthirfurde, called Jock of ye Green, and other rebels at the Kingis horn. On 1st September of the following year he had charter of the lands of Eshetries, with tower and fortalice thereof, the superiority of which had been forfeited by Archibald Earl of Angus.

Sir Nichol Ruthirfurd of Hundoley succeeded in 1556. On the 15th April 1569 appeared at Kelso Nicholaus Ruthirfurde of Hundoley, Knycht, John Ruthirfurde of Hunthill, Richard Ruthirfurde of Edgerstoun, Richard Ruthirfurd, Provost of Jedburgh, Walter Ker of Cessfurd, Thomas Ker of Fernhirst, Thomas Cranstoun of that ilk, Bukcleuche, Knycht, Thomas Turnbull of Badderowl, and Sir J. Edmonston of that ilk, and signed bond binding them to guard the peace of the Borders, and especially to assist the Laird of Bukcleuche and other Lairds nearest against the thieves of Liddisdale and Annandale. The same chiefs appeared with many others of the principal Barons of the south of Scotland at the Parliament held at Linlithgow in 1545, and engaged to defend the Kingdome and to invade England should it be deemed expedient to do so. In 1564, he, with James Langlandis of that ilk, was suretie for Ormiston of that ilk, in ordmanne and ourmanne, at the assemblage of the Barons and Lairds when the contract was made betwixt the Scotts and the Kers, and it was agreed "that puting away all inymmitie, hatrent, and grudge standand and consavit betwix them throw the unhappie slauchter of umquhile Sir Walter Scott of Branxholme, the said Sir Walter Ker of Cessfurde sall, on the 23d day of March instant, cum to the

parochie kirk of Edinburg, called Sanct Geilles Kirk, and thair befoir none, in sicht of ye pepill present for ye tyme, reverently on his knees ask God mercie for the slauchter foirsaid, and siclyk ask forgiveness of ye same fra ye said Lard of Bukleucht and his friendis quhilkis sal happin to be thair present." In 1575 Sir Nichol "laid on weel" at the battle of the Red Swyre; he died, however, soon afterwards, leaving two sons, Andrew and Nichol. The eldest succeeded before 1586.

At Kelso on the 20th September 1569 both were bound, with their father, as sureties for George Ruthirfurd in the Grange, the entry being as follows:—"Sir Nicolace Ruthirfuirde of Hundoley, Knycht, and his sons Nichol and Andro, Sir Thomas Ker of Fairnhurst, Knycht, and Andro Ker, Commendator of Jedburgh, became actit and obliest cautionaris and souerties for George Ruthirfurd in the Grange, that the said George sall remain in ward within the sheriffdom of Forfar, and in no wayes eschaip or iscue furth of the samyn, until he be freed and released by my Lord Regent's grace. From this George are presumed to have come the families in Angus and Perthshire.

Andrew Rutherford of Hundoley married Margaret, daughter of John Hop-Pringle of Smailholm, by his wife Margaret, daughter of Sir James Gordon of Lochinvar: marriage-contract was dated at Galashiels 22d April 1561. He died without issue. He did not lead a quiet life; his name being found frequently amongst those loyal friends of Queen Mary who gave the Regent much trouble. Soon after his marriage he was proclaimed a rebel, and was some time in ward in Edinburgh, as appears by

the record, dated 2d November 1567, "Andro the young Lard of Hundoley, relevit be my Lord Regent of his warding within the samyn burgh of Edinburgh, and grantit him libertie to depart at his plesour.

Nichol Ruthirfurd of Hundolee, second son of Sir Nicholas, succeeded his brother, and appears, although not constantly so designated, to have had knighthood conferred upon him, for in public documents it is recorded that in 1591 Sir Nichol Ruthirfurd of Hundalee, with the Lairds of Cessfurd, Minto, Badrowll, &c., engaged not to shrink from His Majesty's service for any cause, as they shall answer to Almighty God and His Majesty on their faith and allegiance, under the penalty every one of them of a thousand merks, to be paid to His Highness. In 1608 he was appointed by the Parliament, with Douglas of Bonjedward, to meet the Bailies of Jedburgh twice or thrice in each year, and fix the price of leather, and prevent the extortionate charges of the shoemakers. English hides had grown scarce, and promises to deliver "after the next Michaelmas moon" were not now to be relied on. He had renewed charter of the Barony of Grubet 6th September 1610, and gave on 6th February 1620 charter of Belses to his son-in-law, Sir James Ker of Crailing. He married Martha, daughter of Andrew Stuart, Master of Ochiltree, by his wife, Margaret, daughter of Henry Stuart, Lord Methven, and had a son, Andrew, married to Christian, daughter of Thomas Macdougall of Makerston, but he died without issue, and Marie, his daughter, succeeded as proprietrix of Hundalee. She married Sir James Ker or Carre, of Crailing Hall, half-

brother of Sir Andrew, first Lord Jedburgh, at whose death, in 1630, he succeeded as second Lord Jedburgh, but never assumed the title. He was the son of Sir Thomas Ker of Ferniehirst by his second wife, Janet, daughter of Sir Walter Scott of Buccleuch. An account of the death of his admirable wife, "Marie Lady Hundalee," appears in the "*Fasti Ecclesiæ Scotianæ*."

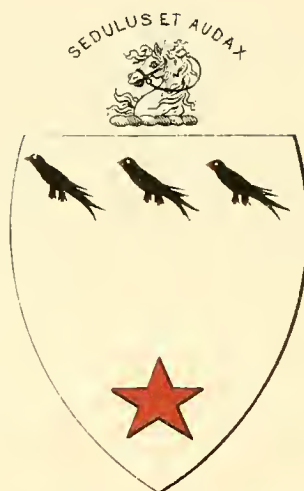
Their son, Robert Carre of Hundalee, succeeded to his mother's estates, and as third Lord Jedburgh. He married Juliana Hamilton, widow of Sir Patrick Hume of Polwarth, but dying without issue, Hundalee went to the Carres of Cavers Carre, and eventually to the Marquis of Lothian. With Robert Lord Jedburgh ended the oldest male line of Ferniehirst. The Fortunes of the House of Lothian were founded by Mark Ker, Abbot of Newbattle, second son of Cessford. He was one of the few dignitaries of the Church who embraced the doctrines of the Reformation, and was made Commendator of Newbattle, out of which he turned the monks with little commiseration. His son, born before the Abbot ceased to hold the office as a priest, had a grant of the barony, which descended to Anne, Countess of Lothian, in her own right. She married William Ker, eldest son of the Earl of Ancrum (descended from the youngest son of the ninth Baron of Ferniehirst). From this marriage descends the Marquis of Lothian, who represents both branches of the great house of Ker.¹

¹ The male line of the elder branch of the rival house of Cessford ended with Sir Robert Ker, cr. Earl of Roxburgh. At his death in 1650 his honours and estates went to his grandson, Sir William Drummond, who assumed the name of Ker, and, in

Jean Karre, daughter of Sir James and Marie Ruthirfurd, married John Carre of Cavers and West Nisbet, Co. Berwick, and had a son, John Carre of Cavers, served heir in 1693 to his uncle, Robert Karre, third Lord Jedburgh, in Hundalee and his other estates, being designated in the deed "lawful son of John Karre of Nisbet and Lady Jean Ker, his spouse."

compliance with the stipulation made by his grandfather, married his cousin, Jean Ker. From this marriage descended the Drummonds (called Ker), Dukes of Roxburgh, whose line also failed. After a long contest with General Ker of Littledean, the heir-male of the house of Cessford, the titles and estates were awarded by the House of Lords in 1812 to Sir James Innes Norcliffe, Bart., in virtue of his descent from Margaret, third daughter of Harry (or Habbie) Lord Ker, who in 1666 married Sir James Innes, Bart., of Innes. Sir James succeeded as fifth Duke of Roxburgh.

RUTHERFORD OF FERNILEE.



ROBERT RUTHERFORD of Fairnilee, 1700, as placed upon his tomb in the Bell-house, Jedburgh.

The fortunes of this family were founded by Robert Rutherford, called "the Nottar" in the family memoirs, who came to possess large estates. He was a writer in Edinburgh, and Deputy Receiver General of Supply for Scotland. Inheriting some lands from his father, he acquired portions of Capehope, of which he had charter 5th January 1701, on resignation by Sir John Scott of Ancrum, who had purchased them with other large properties from Robert, Lord Ruthirfurd. On 12th December, in same year, he had charter to himself and his wife, Alison Ker, in liferent, and their eldest son, Robert, in fee, of Fernilee, also (12th July 1702) of Eastersyde

in Scraisbury, the latter purchased from Andrew Ainslie of Blackhill, and his wife Cecilia, daughter of Sir J. Scott of Ancrum. He was the last of his family buried in the Bell-House, Jedburgh, where his son erected a monument to his memory, with the coat of arms given above. He had not then adopted either the Fess borne by the first Barons of Hundolee, from whom Nisbet gives their descent, nor the coat used by the three last owners of that estate—argent, an orle gules, voided or. This strengthens to some extent the derivation given of the Fernilee family in the old MS. account of the Ruthirfurds, from Richard, son of Robert, third brother of Richard of Edgerston, who settled the feud with Traquair instead of Richard, son of John of Hundalee. The reason of the ancestors of Robert Rutherford of Fernilee not being buried in the choir of Jedburgh, but in the Bell-House-brae, was said to have been that when the English made a raid upon Jedburgh, they carried off the largest bell belonging to the Cathedral, which hung in the tower on the slope above the Abbey. This Richard pursued them with a handful of brave followers, and made a desperate effort to recover it, but was overpowered by the superior force, and fell mortally wounded, making a dying request that he might be buried in the Bell-House, which was done accordingly. The bell was carried off to Hexham, and hung in the belfry there.

One of Robert Rutherford's daughters was Alison, celebrated for her great beauty and talents. She was authoress of "The Flowers of the Forest," &c. Sir Walter Scott, speaking of her, says, "At an advanced age, beyond the usual bounds of humanity,

she retained a flow of imagination and an activity of intellect almost preternatural." She was born 1710, and died 1794. She married Patrick, second son of Adam Cockburn of Ormiston, Lord Justice-Clerk.

There remains to be noticed John Ruthirfurd, a grandson of Nichol, the founder of the Hundalee family. He married a daughter of the house of Gordon, and appears to have had control for a time of the estates of Lochinvar and Stichel. This connection was no doubt the cause of his going north to the county of Aberdeen, where the Gordons, once of Huntly and Gordon, in the Merse, were firmly established, and very powerful. He was Provost of Aberdeen from 1483 to 1492, and was designated of Migvie Castle, in Cromar, which estate he had acquired. In the old kirk of Aberdeen his effigy was to be seen, says a chronicler in 1700, "with a cat-a-mountain at his throat, by whom he was worried in the year 1500." His son Sir John Ruthirfurd was also Provost of Aberdeen from 1496 to 1500. On the 15th May 1485 King James III. granted "familiari servitori suo Johanni Ruthirfurd militi terras de le Est-toune et Tarlane in Cromar vic. Aberdene."

Sir John's coat was the original one of Hundalee, with a boar's head coupé in base, to commemorate no doubt his descent from the Gordons. His father bore the same coat, but instead of the boar's head he placed a bunch of three holly leaves in base for difference.

The same arms were borne by Alexander Ruthirfurd, Provost of Aberdeen from 1591 to 1609, probably Sir John's grandson. This gentleman was

sent as Commissioner to London "to treat concerning the Union of Scotland, designed by King James VI.," and the said Master Alexander made a pithy speech against the Union, but in such broad Scots tongue that some of the nobles standing near the King said, "That gentleman may speak good sense, but we cannot understand him," upon which he delivered his speech in French; whereupon the clergy cried out, "Ignotum omnino ignotum," upon which he presently delivered the same or some such speech in Latine that the clergy might understand him, but scorned to speak the least English word that he could shun; and when the King observed some near the throne enquiring, he said "This is a burgess from one of my poor fisher towns in Scotland," and took some opportunity to give him a ring off his own finger. His son, David Ruthirfurd, was Provost of Aberdeen from 1620 to 1623.



JOHN RUTHIRFURD of Migvie,
Provost of Aberdeen, 1485.



Sir JOHN RUTHIRFURD of Tarlane,
Provost of Aberdeen, 1500.

Amongst the names mentioned in the Chart Pedigree of descendants in the female line from the Ruthirfurds, appears that of "the greatest man *who ever bore the name of Scott, and, moreover, one of the most celebrated Scotchmen who ever lived*"—the illustrious Sir Walter. His mother came of a family which produced several distinguished men; her father, grandfather, and brother all made their mark in their respective professions. Their descent has not been clearly traced, and has been commonly deemed to have been from Hundalee; but the third Lord Jedburgh, an accomplished man and fond of antiquarian research, stated that he had sought in vain for any male descendant of his mother's family; so it seems probable that the minister of Yarrow's predecessors, who lived at Edgerston-rig, and previously at Groundisnooke in Scraisburgh, sprang from the Hunthill race, to whom that barony belonged, perhaps from a younger brother of William of Langnewton. John Ruthirfurd in Groundisnook married Margaret, daughter of Philip Ruthirfurd, tutor of Edgerston. Their son, Andrew, a clergyman, was schoolmaster at Jedburgh in 1660; he married Anne, daughter of Bearhope of that ilk, and had a son, John, who very probably was the minister of Yarrow.

LETTER OF CONFRATERNITY by THOMAS BORTHWICK, Prior of Lufnes,
to GEORGE RUTHERFURD, and ELENA, his Wife, A.D. 1464.

frater thomas borthwick Prior de lufnes bte diu genitricis marie de monte
 armeh dilectis sibi in xpo **george rutherford** **elena** salutem in xpo et p oroni suorum reyna ce
 felicitate pmeri oportet bndi que ad nram bndicti ordinis salutem et p oroni suorum reyna ce
 attendentes et duo commendantes quo ad ea que pape salite omnes quantu ei deo possunt nobis vicem impimus
 reside salutem Quare in omibus quibus oportet pncipaliter; reynus dignis abstineris laboribus etis qz leuis oib; t bnficijs
 vniuersis que p nos et fratres nri ordinis dignabitur opari demerita saluatoris tui i vita qua post morte nos pncipaliter facit
 et cōsortes adiacentes inquitomur? et de spciale nra concedentes et ei obitatu vnoz tunc capitulo memoria sint reata in
 pro nobis fiet que ad dimensā et singula quod p desinās trib; nri ordinis vbiem corer fieri consuevit est In eius rei testimo
 unū scribitū nri prioratus officij pntib; expensū Datū in conventu nro de lufnio In festo scti michaelis archangeli anno dni
 Milleimo quatoragesimo sexagesimo quarto.



Jacobus dei gratia Rex Satorum **Q**uoniam **D**ominus **D**obis hominibus
 tenore presentium damus et concedimus Reuerendo in xpo patri ac Con-
 mauglia et Johanni formam dicti Reuerendi patris fratris germani
 redditum et possessionem quarumcumque cum pertinentiis obuiumque infra
 tus legitimorum heredum per decessum quondam Jacobi ruther sum-
 de et nominatus earundem semper et quousque legitimus heres se-
 ritagne Catrine ruther sum- et Elene ruther sum- nepotum et
 maritatis maritagne heredis sue heredum masculorum vel femi-
 namm et singularium utarum earum redditum possessionem et nomi-
 fratrum ac eorum alteriducum diuersi conuicti et diuisi et sine assen-
 nobis pertinent ratione predicta de cum omnibus aliis et singulis con-
 dam nominatum et maritagia spectant seu iuste spectare solent
 ad intrinsecum ad disponendum super dictis Warda nominatum et in
 oportunitate Libere quocumque bene et iuste sine aliquo impedimento aut ven-
 pinus et mandata quatenus dictis Reuerendo patri et Johanni eius frat-
 omnibus et singulis predictis Wardam nominatum et maritagium
 hat parte **M**illeesimo **R**egis testimonium presentibus magnis sigillis
 millesimo **Q**uingentesimo **S**ecundo **E**t Regni nostri de maxima

... suis ad quos partes se pervenerunt salutem. **S**ciatis quod deditur et concessimus ac
... dilecto Andree Episcopo moraviensi ab commendatario de Pettinbome et Cottingham
... alteri diuise diuise communitate et diuisum Wardam omnium et singularium terrarum
... existens ac nobis pertinet et in manibus nostris existens rati Warda sine nomine
... seu quondam Ricardi rutherfordi duci quondam Jacobi nepotis pro toto tempore War
... heredes legitime recuperaverit seu recuperaverit in totum ad eam. Quatuor ma
... duci quondam Jacobi ac sororum et heredum dicitur quod Ricardus quibus decedentibus no
... ad ducem quondam Jacobi et Ricardi hereditates succedentem. **T**ENENDUM et habendum Warda
... eorum cum pertinet. Quatuor advocatoribus et patronibus beneficiorum et capellanarum
... pluribus aut unum Quatuor advocatoribus et patronibus beneficiorum et capellanarum
... libertatibus proficiis asiametis ac iustis pertinent sine quibusvis ad ducem War
... doli in futurum. Cum parte dicitur Ricardus dicitur Johanni eius fratri et suis assignate
... prout eis ad ipsorum utilitatem et communitatem melius videbitur expedire conveniens et
... quatinus. **Q**UARE universis et singulis quorum interest vel interesse poterit scire pre
... eorum alteri communitate et diuisum diuise diuise et sine assignatis pluribus aut unum In
... texnen prompte respondeant pareant et interdicat sub omni pena que competere poterit in
... appoi fecimus. Apud Jedburgh duodecimo die mensis Novembris Anno domini
...

Andree Episcopi moraviensis
Johannes forman eius frater

LETTER of CONFRATERNITY by the PRIOR
of LUFNO to GEORGE RUTHERFURD, and ELENA,
his Wife, 1464.

TRANSLATION.

Friar THOMAS BORTHWYK, Prior of Lufno, and servant of the brethren of the Order of the Blessed Mary, Mother of God, of Mount Carmel, to his beloved in Christ, George Rutherford, Ellen Rutherford, his wife, with their children, wisheth health, and that by the suffrages of prayers they may happily attain to the heavenly kingdom: As we have been informed by our brethren, of the benevolent mind which you bear towards our order, we desire, earnestly attending to the oracle of the lively voice, and commending you in the Lord, to render to you, as much as we are able with God, a wholesome return as to those things which make for the health of souls: Wherefore, in all masses, prayers, preachings, fasts, vigils, abstinences, labours, and all other good things, and whole benefits which, in the clemency of the Saviour, shall be deemed worthy to be wrought by us and the brethren of our order, as well in life as after death, we do make you partakers and consorts: Adding, nevertheless, and of special favour granting, that when the memory of your obits shall be recited in our chapter, the same shall be done for you in all and sundry respects as is commonly accustomed to be done there for the deceased brethren of our order.—In witness whereof, the seal of our office of Priory is appended to these presents.—Given in our convent of Lufno on the Feast of St. Michael the Archangel (29 Sept.) 1464.

GIFT by the KING of the WARD of the LANDS of
RUTHERFURD, 1502.

TRANSLATION.

JAMES, by the Grace of God King of Scots, to all his worthy men to whom these present letters shall come, greeting.—Know ye that we have given and granted, and by the tenor of these presents do give and grant, to a Reverend Father in Christ, and our lovite counsellor Andrew, Bishop of Moray, and Commendator of Pittenweem, and Coldingham in England, and to John Forman,

brother-german of the said Reverend Father, and the survivor of them, conjunctly and severally, the ward of all and sundry lands, rents, and possessions whatsoever, with the pertinents, wherever they are within our kingdom and pertaining to us, and being in our hands by reason of ward or non-entry of the lawful heirs, by decease of the late James Rutherford of that ilk, or of the deceased Richard Rutherford, grandson of the said James, for the whole time of the ward and non-entry thereof, always and until the lawful heir or heirs shall have recovered entry to the same ; together with the marriages of Katherine Rutherford and Ellen Rutherford, granddaughters and heirs of the said James, and sisters and heirs of the said Richard ; who deceasing unmarried, the marriages of the heir or heirs-male or female succeeding to the heritages of the said James and Richard : To be held and had, the ward of all and sundry the said lands, rents, possessions, and non-entry thereof, with the pertinents, together with the aforesaid marriages, to the said Reverend Father, and John, his brother, and the survivor of them, conjunctly and severally, and their assignees, one or more, with advocations and presentations of benefices and chaplainries pertaining to us by reason foresaid, and with all other and sundry commodities, freedoms, profits, easements, and their just pertinents whatsoever belonging to the said ward, non-entry, and marriages, or that may in future in any way justly belong thereto ; with power to the said Reverend Father, John, his brother, and their assignees, to intromit with and dispone upon the said ward, non-entry, and marriages as to them shall seem most expedient, convenient, and opportune to their utility and advantage, freely, quietly, well, and peaceably, without any impediment or revocation whatever : Wherefore, to all and sundry whom it concerns, or may concern, we straitly charge and command that they promptly answer, obey, and intend to the said Reverend Father, and John, his brother, and either of them, conjunctly and severally, and their assignees, one or more, in all and sundry things concerning the aforesaid ward, non-entry, and marriages, under all pain competent in that behalf. —In witness whereof, we have caused our Great Seal to be set to these presents at Jedburgh, the twelfth day of November, the year of the Lord one thousand five hundred and second, and of our reign the fifteenth.

Jacobus de gratia Rex Scotorum Quibus Prole
 regale intumbe pupillis et in minoribus ad e constitutis
 dissipetur alienetur vel in exzaneos sine transferat
 ordinamus ac tenore presentium facimus constituimus et
 Moranien comendatarum de peccunbene et Cottin
 magros Jacobum hendson et henricum Gubite et
 Anthwson et Nepus et heredis quod Jacobi Anthwson
 ac administratores omnium et singularium bonorum suorum
 omnium ad Glene plinay usque ad ipsos legitime
 dum ad etate pervenerit legitima omnia et singula que
 unum ad etate pervenerit legitima fidei composum et
 nobis reddant Quare omnes et singulis quorum
 nezerendo pro aliis personis predile tanq tutorum
 dimsum et sine factoribus hominibus et singulis die
 sub una pena que competere poterit in hac parte de
 mess Jamacoy Anno domini millesimo quingentesimo

In

hominibus suis ad quos putes se pervenerunt saltem hunc ad officium
 duntaxat p[ro]p[ri]os s[er]vatores n[ost]ros coram vobis redditis possessionem aut bona
 de auxilio & remedio oportuno providere fecimus igitur constituimus
 n[ost]ras tenendum in p[ro]p[ri]am n[ost]ram q[ui]slibet dilectum Andream Ep[iscopu]m
 in archidiacono dilectos familiares n[ost]ros Johanne Bonay eius p[ro]curatorem
 de Roches ac eorum quelibet committit & dimittit tutores d[omi]nos Elene
 de eod[em] s[er]vatores ac p[ro]curatores & heredes quod Alwardus Anth[oni]us de eod[em] s[er]vatores
 n[ost]ros reddant & possessionem bonorum omnium mobilium & immobilium q[ui]slibet
 etate p[ro]missis q[ui] d[omi]ni tutores d[omi]ni faciant & p[ro]mptat d[omi]ni Elene
 d[omi]nos d[omi]ni de s[er]vatores s[er]vatores n[ost]ros faciant & p[ro]mptat tenentur Et
 omnium de d[omi]ni d[omi]ni reddant s[er]vatores bonis suis sibi & p[ro]p[ri]os q[ui]slibet
 d[omi]ni vel m[er]ito possit s[er]vatores p[ro]p[ri]os & mandamus q[ui]slibet d[omi]ni de
 d[omi]ni d[omi]ni Elene p[er] nos constituit ac eorum quelibet committit &
 d[omi]ni tutores d[omi]ni s[er]vatores p[ro]mptat reddant p[er]ceat & intendant
 n[ost]ri sub[sc]ripcio magis Sigilli n[ost]ri d[omi]ni Strimelini p[ro]decimo die
 secundo Et Regni n[ost]ri decima quinto

tozie n[ost]re


LETTERS of TUTORY on behalf of HELEN
RUTHERFURD, 1502.

TRANSLATION.

JAMES, by the Grace of God King of Scots, to all his good men to whom these present letters shall come, greeting : Whereas it appertains to the regal office opportunely to provide help and remede to pupils, and in their minority lacking constituted lawful tutors and defenders, lest their lands, rents, possessions, or goods should be dissipated, alienated, or transferred to extraneous purposes, we have made, therefore, constituted and ordained, and by the tenor of these presents do make, constitute, and ordain, the Reverend Father in Christ, and our lovite counsellor Andrew, Bishop of Moray, Commendator of Pittenween, and Coldingham in England ; also our lovite familiars, John Forman, his brother, Mr. James Henderson, and Mr. Henry White, Rector of Rothies, and any of them, conjunctly and severally, tutors-dative to Ellen Rutherford, grandchild and heir of the late James Rutherford of that ilk, her grandfather, and sister and heir of the late Richard Rutherford of that ilk, her brother, and administrators of all and sundry her lands, annual-rents, and possessions and goods, movable and immovable, whatsoever pertaining to the said Ellen, until her lawful age : Providing that the said tutors-dative shall do and fulfil to the said Ellen, until she shall come to lawful age, all and sundry things which by the law or custom of our kingdom tutors-dative are bound to do and fulfil ; and when she shall come to lawful age, they shall render to her and her nearest friends faithful account and reckoning of the said lands, rents, fermes, and goods : Wherefore we straitly charge and command all and sundry whom it may concern promptly to answer, obey, and intend to the said Reverend Father, and the other persons aforesaid, as tutors-dative to the said Ellen, appointed by us, and either of them, conjunctly and severally, and their factors, in all and sundry concerning the said office of tutor-dative, under all pain competent in that part.— Given under the testimonial of our Great Seal at Stirling the eleventh day of January in the year of the Lord one thousand five hundred and second, and of our reign the fifteenth.

SASINE to WILLIAM TURNBULL, Procurator for
HELEN RUTHERFURD, of the Lands of Maxton-
Crag, 1504.

TRANSLATION.

In the name of God, Amen : By this present public instrument be it plainly known to all, that in the year of the Lord's Incarnation one thousand five hundred and four, the tenth day of the month of July, the seventh indiction, and the first year of the pontificate of the Most Holy Father in Christ and our Lord Julius II., by Divine Providence Pope ; in the presence of me, notary public, and witnesses underwritten, personally compeared a discreet man, William Turnbull, son and apparent heir of Adam Turnbull of Phillophauch, procurator, and in the name of a noble damsel, Helen Rutherford, heir of the late James Rutherford, her grandfather, as to me, notary public, clearly and evidently appeared, by instrument of Mr. John Sawchquhy, notary public, containing in itself the form of a procuratory, and going to the presence of a prudent man, George Douglas of Bun Jedward, presented to him a certain precept of sasine of a noble man, Sir William Colwil of Wchiltre, Knight, requiring, with instance as was meet, the said George, that he would give to him the said William, procurator in name as above, heritable state, possession, and sasine : which George, bailie in that part, received the same precept into his hands, and delivered to me, notary public, to be read ; of which precept the tenor follows in the vulgar, and is thus : William Colvill of Wchiltre and Oxnem, Knycht, to my lovittis George Douglas of Bun Jedward, Andro Douglas of Tynpyndeane, George Rutherford, sone and apperand air to Jhone Rutherford of Hunduelle, my balye in that part specialie constitute, greting : Forsamekill as it is evidentlie knauin to me be our soverane lord the kingis brevys execut and retowryt, that Helyne Rutherford is nearest and lawfull air to James Rutherford, hir grandschir, the quhilk deit last westit and saissit of the landis of Maxtoun Crag, with the pertinence, haldin of me as barone of Oxnem ; quharfor I charge yow and commandis you, and ilk ane of you conjunctlie and severalie, to pas to the said landis of Maxtoun Crag, lyand within the shirefdom of Roxburch, and thar that ye gif and deliver to the said Helyn or hir actornay heretabil stait, seising, and possessione of the saidis landis of Maxton Crag,

Jacobus dei gratia Rex Scotorum **O**mnibus
 mea speciali necnon ad requisitione et sollicitatione
 de Woodhall militibus Johannem tildop de Dameszead
 tater Garolo blatteter Johannem herpott Ade tuzubul
 de Boueredworth Johannem Dalglate eius fratru
 nos Jacobo Dalglashm dyfftom David Lundesay de
 Marco tuzubule David tuzubule de Wauchop Sa
 nis in totina et sermicio tu Penecendi sumo in ex
 de Dalbane milite infra monasterium nrm de Jedw
 thome Authurford infra dnm nostru monasterium
 quas erga nos seu eorum aliquos concepimus hab
 nimis per dntas personas seu eorum aliqua ton
 aliamis seu bonorum ablate seu ablatoru pe
 tempe seu pro aliquibus aliis criminibus per easd
 tm Insuper volumus et declaramus qd pnt
 tiale et criminibus et pro arte et pte eiusd accu
 et dntis psonis Inpnt expressatis dimmnd
 parabunt conquezen et dimpna pass taliter sa
 personas sub firma pace et protectot nra Inste fr
 preduntatum malum molestia Inmzia seu graua
 eis aut eorum alium nferat sub pena amission
 toto tempore vite dntaru psonaru dntatuzas
 Die mensis february Anno dnm Millefimo

vobis hominibus sine ad quos pertinet. Lre perueniente salutem. Scitis qd ex gra
 viffime coheras nre Regne remissimus Johann Forman de Salvaue Balzede blatau
 lano Stelbart Roberto blatau filio et heredi apparet. Andree blatau de eod ad bla
 de philliphanch Willelmo turubule eius filio et apparet heredi. Georgeo Solbglate
 ree Solbglate in tympanedene Roberto Solbglate eig suo Jacobo turubule in gazed
 Elizabetha Jacobo turubule in Kirkhope Jacobo Weid hngor Weid ipius frater
 d turubule Willmo Dunelord Willmo hucheson in carstax. Et omnibz alijs pso
 pre nroz y filiaro dilecto Roberto Archiepo glaigeni et tunc duto Johannes Forman
 th et bondas eius existet dilatatas aransatas seu aransandas pro interfectione qnd
 missa Lateribz pncipij lanceze animi nra sectum regia et omne actione que et
 unne seu hre poterimus. Pro duto interfecto. Et pro omnibz alijs actioibz et Cei
 ff et occisione hmoi interfectione eius quomodo imputari poterit aut pro rapia
 stas psonas aut earu aliqua a duto quond thoma aut aliquibz alijs pfato
 onas aut ipazum aliqua eodem tempore infra bondas diti nro monasterij tomis
 a remissio seculiter se extendat et sufficiat tu psonis omnibz que pro diti interfec
 re poterunt quoz nomina in partibus nre Lre Remissionis no speti fuerint sicut
 rentibz et amnis diti quond thome tales emenda et satisfactioem faciant alneq
 faciant qmilla super hoc de tetero Justam querimoniam audiamus. Et supradatas
 ppen firmiter Inhibemus ne quis eis aut earu alium occasione transferre psoni
 ne aliquid inferre presumat Injuste super nram plenaria fori factura aut mortem
 vite et membrorum. In omni Rei testimoniu has Lre nras Remissionis pro
 ab magno Emillo nro sibi fieri fecimus patentis. A pnd Edinburg. Ultimo
 Remigentesimo Seculo. Et Regnari Decimonono

viffimo Johanne Forman de Salvaue
 lre et psonis alijs per sones



with the pertinence, be the deliverance of erd and stane, eftir the forme of the instrument maid thairupon; the quhilk to do I committ to yow and ilk ane of you, conjunctlie and severalie, my full power, be thir my lettres, gevin onder my seil and subscriptione manuale at Oxnem the nynt day of Julij the yere of God one thousand five hundreth and four yeris : and such was the said precept; the which George, granting his said request to be just and consonant to reason, passed to the principal messuage of the said place of Maxtoun Crag, and there gave actually and delivered to the said William procurator in name as above, heritable state, sasine, and possession of the said lands of Maxtoun Crag, with the pertinents, throughout their ancient measures and divisions, by delivery of earth and stone as the custom is : Upon which all and sundry the foresaid William, procurator in name of the said Helen, as above, craved from me notary public underwritten, public instruments or instrument, one or more, to be made to him : These things were done at the said principal messuage of the lands of Maxtoun Crag, about the third hour afternoon, or thereby, under the year, month, day, indiction, and pontificate aforewritten; Robert Scot of Hanyne, John Douglas, James Douglas, Mr. Archibald Layng, notary public, William Wauch, John Wilkinese, and Symon Thomsone being there present, witnesses to the premises, called and also asked.

[WILLIAM WILKINSONE, Notary.]

REMISSION by the KING to JOHN FOREMAN and
OTHERS for the Slaughter of THOMAS RUTHER-
FURD in Jedburgh Abbey, 1506.

TRANSLATION.

JAMES, by the Grace of God King of Scots, to all his good men to whom these present letters shall come, greeting : Know ye, that of our special favour, and also at the request and solicitation of our dearest consort the Queen, we have remitted to John Forman of Dawane, Baldred Blacater of Wodhall, Knights, John Twedy of Drumelzear, Alan Stewart, Robert Blacater, son and heir-apparent of Andrew Blacater of that Ilk, Adam Blacater, Charles

Blacater, John Heryott, Adam Turnbule of Phillophauch, William Turnbule, his son and apparent heir, George Dowglace of Bonejedworth, John Dowglace, his brother, Andrew Dowglace in Tympanedene, Robert Dowglace, his brother, James Turnbule in Garcunnok, James Dowglas, in Ugstoun, David Lindesay of Erlisorchart, James Turnbule in Kirkhope, James Weir, Hugh Weir, his brother, Mark Turnbule, David Turnbule of Wauchop, David Turnbule, William Dunnekeir, William Hucheson in Carstairs, and all other persons in the company and service with the Most Reverend Father in Christ, and our lovite councillor, Robert Archbishop of Glasgow, and with the said John Forman of Dawane, Knight, bearers of these presents, being within our monastery of Jedworth, and bounds thereof, delated, accused, or to be accused for the slaughter of the late Thomas Rutherford, committed within our said monastery—all rancor of our mind, royal suit, and all action which we have conceived, have or might have, against them, or any of them, for the said slaughter; and for all other actions and crimes committed by the said persons, or any of them, and by occasion of this slaughter might be imputed to them, or for rapine of anything of any one, or of goods taken away by the said persons, or any of them, from the said Thomas, or from any others, at the aforesaid time, or for any other crimes committed by the said persons, or any of them, at the same time, within the bounds of our said monastery only: Further, we will and declare that our present remission shall extend to and suffice as well for all persons who might be accused for the said slaughter and crimes, and for art and part thereof, whose names are not specified in our present letters of remission, as for the said persons above expressed; only they shall make such amends and satisfaction to the parents and friends of the said Thomas, and to other parties complaining, and shall satisfy for the damages incurred in such manner that we shall hereafter hear no just complaint thereupon: And taking the aforesaid persons justly under our peace and protection, we straitly inhibit any one from presuming unjustly to inflict any evil, injury, molestation, or grievance upon them, or any one of them, by occasion of the transgressions foresaid, upon our full forfeiture, or to inflict death upon them, or any one of them, under penalty of loss of life and members.—In witness whereof, we have made these our letters of remission patent to last for the whole time of the life of the said persons, under our Great Seal, at Edinburgh, the last day of February 1506, and of our reign the nineteenth year.

AGREEMENT for SETTLEMENT of FEUDS between
the RUTHERFURDS and KERS, A.D. 1560.

AT Ancoram Spittell Gylbert Ker of Primsydouch
Thomas MacDowell of Makcarston James Ker of Quhit-
muir chosin for the lard of Graden James Ker of Corbit-
hows Robert Ker of Newhall takand the burding vpon
tham for the rest of thair kin freindis allya and partakeris with
tham Nychollaus Rutherford of Hundalie Knycht George
Rutherford in Grainge Niniane Cranstoun of Schawis George
Ruthirfurd Johne Rutherford in Know chosin for the partis
of Johne Rutherford of Hunthill Richard Rutherford of
Edzerstoun George Rutherford of Langneutoun Sir Thomas
Trumbill of Bedroull Knycht Sir William Cranstoun of that
ilk Knycht takand the burding vpon tham for the rest of thair
kin freindis allya and partakeris on that vthair pairt as jugis
arbitouris and amicable compositouris anentis all maner of
sclawchteris committit and don be athir of the saidis parteis
aganis vthiris quhatsumever that athir of tham may allege
propon or input to vthiris and thairthrowch all deidlie fedis
past thairvpon preceding the day and dait of ane compromitt
maid betwix the said parteis at the said Ancoram Spittell the
sext day of June the yeir of God ane m. v^{c.} and lx. yeris vnder
thair subscriptiones and als anentis all vthir actiones querelis
caussis contraverseis and debatis pleable quhilk athir of the
saidis parteis mycht allege propon or moif aganis vthiris pre-
ceding the said dait as the samyn at mair lenth proportis We
convening oft and divers tymes thairanentis accepting bayth the
saidis parteis clames hinc inde producit befoir ws hering
thair allegationis thairintill efter our lang ressoning thairvpon
being riplie avisit thairwith haiffing God befoir our ein in guid
conscience we being oblist and suorn alsua the holie evangelis
tuichit to pronunce deliver and decreit in the said materis lik
as the saidis parteis respective are oblist and suorn to vnderlie
abyd and fulfill this our deliverance pronouncing and decret
thairintill as the said compromitt beris all in ane voce mynd
consent and assent for our finall sentence pronunceis deliveris
and decretis in maner as effir followis that is to say Anentis the
sclawchteir of vmquhill William Ruthirfurd of Langneutoun
committit be Robert Ker of Newhall for assythment heirof it

is decernit that Sir Andro Ker of Litillden saidis sall satisfie George Ruthirfurd of Langnewtoun his son at his plesour betwix this day and the first day of June nixtocum or ellis to content refvnd and pay to him the sowm of fiwe hundreth pundis money of this realm and that the said Robert Ker of Newhall sall cum befor the congregatioun time of the preaching in the Kirk of Ancorame vpone Sonunday the xxv. day of May instant and offer the sword to the said George asking God mercie and him and his freindis forgiveness according to the practik and fassioun of the cuntrey Anentis the slawchter of vmquhill Johne Ruthirfurd in Edzarstoun and mutilatioun of Johne Ruthirfurd thair be Sir Andro Ker his freindis and seruandis for assythment heirof it is decernit that Andro Ker sone and appeirand air to Robert Ker of Newhall or failzeing by decis his nixt brother quharsumeuer succeding to him sall compleit mariaige in face of the congregatioun with . . . Ruthirfurd dowchter to Philip Ruthirfurd in Edzarstoun quhilk inlaking by deceis with ony gentill woman of that surname and bluid as scho is at the sycht of Richeart Ruthirfurd of Edzarstoun quhilk mariaige sall be compleit als son as the said sones be . . . yeris of aige and the wemen xij yeris And the said woman sua to be mareit salbe indawit and possessit in [aucht oxin] gait of land of Newhall during all [the dayis of hir lyfe] and in caice the said mariaige sall fail the said Robert Ker of Newhall sall content and pay to the said Philip Ruthirfurd the sowm of fiwe hundreth pundis money foresaid . . . Thomas Ker of Farinton the said day . . . the slawchter . . . of Edzarstoun sall ask God mercie and him and his freindis forgevines for . . . the slawchter [of Andro] Ker of Corbithows committit be Johne Ruthirfurd of Hunthill his freindis and [servandis] Sir Thomas Trumbill of Bedderoull Knycht vpon the grownd for assythment heirof it is decernit that William Ruthirfurd secund son to the said Lard of Hunthill quhilk by deceis inlakin his nixt brother succeding sall betwix this day and the first day of August nixt tocum compleit mariaige with Haufie Ker sister to James Ker of Corbithows quhilk by deceis inlaking vnmareit with hir yownger sister in presence of the congregatioun quhilk woman sua to be mareit salbe indawit and possessit with awcht oxin gait of land be the Lard of Hunthill during the dais of hir lifyme And in cais the said

mariaige fail in defalt of the said Lard Hunthill vncompleit the said Lard Hunthill sall refond content and pay to James Ker of Corbithows the sowm of fiwe hundreth pundis money forsaide Forder Johne Ruthirfurd sone and appeirand air to Johne Ruthirfurd of Hunthill sall the saidis day and place semblalie offer the sword to James Ker of Corbithows asking God mercie and him and his freindis forgevines Anentis the falt imput to Sir William Cranstoun of that ilk Knycht and his brothir for being vpon the grovnd quhair vmquhill Andro Ker of Corbithows was slaine it is decernit for assythment heirof that Robert Cranstoun brothir to the said Lard of Cranstoun sall the saidis day and place offer the sword semblalie to James Ker of Corbithows asking God mercie and him and his freindis forgevines And the said day and place Sir Andro Ker of Litillden Knycht sall for being vpon the grovnd quhair Sir Walter Scot of Bukclewch Knycht was slaine ask God mercie and the said Lard of Cranstoun and his brothir forgevines thair moder brothir and the said Sir Andro and James Ker of Corbithows remittis the offer of the said Lard of Cranstoun to the vsing and discretione of the Ruthirfurdis Anentis the brekin of ane decreit past vpon ane compromitt maid betwixt Johne Ruthirfurd of Hunthill and Robert Ker of Newhall concerning the mariaige of the Lard of Graden for non fulfilling of the samyn be the said Robert it is decernit that all the guidis and geir of the said Robert salbe in the will of the said Lard Hunthill effering to the valour of the mariaige of the said Lard of Graden and to be modefeit be ony four gentill men of the cuntrey Anentis the slawchter of vmquhill Johne Ruthirfurd sone to the Lard of Ruthirfurd committit be the Haitleis and als anentis the slawchter of William Haitlie in Fawnis be Robert Ruthirfurd in Edzarstoun and his freindis it is decernit that the ane slawchter sua committit sall stand and assicht the vthir and that the said day and place Johne Haitlie of Mellastanis and Richert Ruthirfurd of Edzarstoun with his freindis sall joine and schaik handis remitting all forthocht haitrent Likwis it is decernit that the said day and place Niniane Cranstoun of Schawis and Thomas Haitlie brothir to the said Lard of Mellastaines joine and schaik handis forgeving vthir of all foir past displesour . . . betwix Sir Andro Ker and the Lard of Hunthill it is decernit that . . .

saidis pairteis within xv. dais efter Witsonunday nixt to cum vpon . . . according to resson Anentis all vthir actiones caussis . . . betwix athir of the saidis pairteis preceding the . . . and all vtheris quhat . . . it is decernit that . . . and in cais of ony discrepance befall ai . . . the samyn to be referrit to the triall takin of . . . decernit that all the said parteis in all tim cuming sall com . . . yeris aganis all liflie and deidlie the auctorite their cheiffis and maisteris . . . lie in concord and amitie all the rest of thair dais and this for our finall . . . and pronunceit till all tham quham it efferis making it plainlie kend be this our decret pronunceit the said day and place subscriuit with our handis as efter followis befoir thir witnes George Dowglas of Abone-jedburgh yownger Nicholl Grimislaw Alexander Mow Johne Ma^cDowgall Johne Trumbill of Philiphawch and Johne Bukkam of Belehows with vtheris diuers.

The offer of the Lard of Cranston referrit to the vsing and discretion of the Lardis of Hunthill Edzarston Hundalie and Johne Ruthirfurd of Know

(Signed) Nycholl Ruderfurd
 Johne Ruderfurd in Know
 Gylbert Ker of Primsydowch
 Thomas Makdowell of Makcarston
 Jone Mow off that ilk
 Alex^r. Makdowell off Stoidryg*

Niniane Cranston of Schawis George Trumbill in Tour James Ker of Quhytmuir George Ruthirfurd in Grainge with our handis at the pen led be the notar underwritten at our desir becaus we culd nocht writ ourselffis Idem asserit Magister Thomas Cranstoun tanquam tabellio publicus dictis Niniano Georgio Jacobo et Georgio jubentibus subscribens attestantibus meis nomine et signo solitis.

(Signed) Richert Ruthirfurd of Edzarstoun

John Ruthirfurd of Hunthill George Ruthirfurd of Langnewtoun Philip Rutherfurd of Edzarstoun John Rutherfurd thair with our handis at the pen led be the notar underwritten at our desyr.

Idem asserit Mr Thomas Cranstoun tabellio publicus
 . . . Cranstoun . . . Bedderroull knycht

* The autograph signatures end here.

MINUTES of SYNOD regarding the RUTHERFURD
 "LOFT" in JEDBURGH CHURCH, A.D. 1665.

Att Jedbrughe, the twelve day of Apryle, J^m. vi^c.
 thrie scoire fyv yeiris.

The said day ane petitione was given in be the Laird of Hunthill anent ane contravertit loft in the Kirk of Jedbrughe, wherin the Laird of Craillinghall and Edzerstoune ar concernit. The Airchbischepe of Glasgue and Synode haveing considered the same appoints the saids parties concernit to have ane sight of the said petitione given in be the Laird of Hunthill that they may answer the samen.

(Signed) Lud : ffairfull, clerk to the Synod.

Att Jedbrughe, the threttin day of Apryle, J^m. vi^c.
 thrie scoir fyve yeiris.

The said day the lairds of Craillinghall and Edzerstoune, compeiring befor the Airchbisshop of Glasgue and Synod, gave in answer to the petitione presented be the laird of Hunthill anent the contravertit loft in the Kirk of Jedburgh. The Airchbisshop and Synod, takin to ther serious considderatione both the petitione and answer maid to the same, and finding it not possible for them at present to come to the determinatione of the maitter, appoints ane comitie to heir and cognosce wpon the differences betwixt the foirsaid parties about the said contravertit loft, whois names ar as ffollowes :—Mr. John Douglas, Mr. Thomas Abernethie, Mr. James Douglas, Mr. Andrew Pringle, Mr. Peter Blair, Mr. Alexander Kinneir, Mr. Archibald Dowglas, Mr. John Adamson, Mr. William Muschett, Mr. Francis Scott, Mr. Alexander Forrest, Mr. Richard Weddell, Mr. Thomas Inglishe, Mr. John Halyburtoun, Mr. William Turnbull, Mr. John Broune, Mr. John Clappertoune, Mr. Thomas Courtney, Mr. John Somervail, Mr. James Knox, Mr. James Smith, and Mr. John Karmichaell ; and appoints the first Wednesday of May, being the thrid day therof, to the saids members of Synod for their meitting in the said matter at Jedburgh, Ordaining them to examine witnessis in the said matter, and to tak to ther cognisance both parties rights to the said loft, and to report the stait of the busines to the nixt

comitie at Peebles, being the sevintein day of May, which is the wednesday immediatlie efter Whitsonday. And the moderator and brethren of the said presbetrie ar heirby im-
 powered to ischew furth sumonds to sumond such witnessis as aither pairties shall think fitt to nominat for clearing of the foirsaid difference, and, if neid beis, to seit both pairties to appeir befor the Airchbischop and comitie at Peebles the said day. And appoints Mr. Thomas English moderator of the said meitting at Jedbrugh, as lykwayes any sevin of the foirsaid number to be a quorum, the moderatour being one ; And, in the mean tyme, all things to continew in the staite they ar at present. And whosoever failzies to appear at the said meitting the Airchbischop and Synode ordaines them to pay the soume of Twentie marks, and the samen to be collectit be Mr. Richard Woddell. And both pairties being called in, the foirsaid act was red to them, and they sumoned apud acta to compeir the said day and plaice. The Airchbischop desyred they might live peaceable till the busines wer determined. Quhairunto they assentit. Extractit be me,

(Signed) Lud : ffairfull, clerk to the Synod.

AGREEMENT regarding the BURIAL PLACE of the
RUTHERFURDS in the CHURCH of JEDBURGH, &c.,
A.D. 1666.

At Edinburgh, the Twentie sevint day of November, J^m. vi^c. thriescoir sex yeires. That, whairas a frie and freindly communing was appoynted for composing of all differences betwixt the right honorabill the lord Rutherford and Hunthill his father, on the ane pairt, and the right honorabill Crellinghall and Edgarstoun, his freindes, on the vther pairt, and specially anent thair buriall places in the churche of Jedburgh and ane key of the door entring thairto, which was taken from the said Hunthill be ane decreitt of the presbetrie; and also anent ane loft and seatt in the said kirk, which was in debaitt amongst them. And four ministeres—Videlicet, Mr. James Scott, moderatour of the presbetrie of Jedburgh, and Mr. Thomas Courtney, moderatour of the presbetrie of Selkirk, ffor the lord Rutherford, and Mr. James Craig, minister at Selkirk, and Mr. Robert Hoom, minister at Oxnam, ffor the saides Craillinghall and Edgarstoun—being nominat and choisin be the saidis pairties to mediatt betwixt them; and having met the foirsaid day and place for that effect, both the saides pairties be thair mediatione, and out of the mutuall respect each of them beares one to another, and earnest desyre that both of them have of peace, it is aggried in maner eftir following—that is to say, as for the key of the quyre door, Craillinghall and Edgarstoun aggrie that it sall be delyvered to the lord Rutherford, and the said lord Rutherford obleissis himself, within Ten dayes thaireftir, to putt the said key in the handes of Johne Rutherford, late proveist of Jedburgh, to the effect that two vther keyes may be maid conforme thairto, and the one delyvered to Craillinghall and the vther to Edgarstoun immediatlie thaireftir, that they may have frie ische and entrie to the said kirk and to thair buriall places in the said quire. And farder, it is also aggried that the back door of the said quire sall either be built vp or ane door and lock putt vpon the same, and thrie keyes thairof to be maid and delyvered—one to the lord Rutherford and the vther two to Craillinghall and Edgarstoun—to the effect foirsaid. Lykas both pairties condescend that thair be ane measone employed on all pairties chaarges to mak

close the wall about the quyre, that ther severall buriall places may be kept clean and decent, and for this purpose commissionattes the said Johne Rutherford to see the said repairs done. As also it is condescended to be baith the saidis pairties that thair aggriment foirsaid, anent thair buriall places and keyes, sall stand not only for themselves, bot for them, thair aires, and successores in all tyme coming. And as to the proces of reductione, at the instance of Hunthill, concerning the loft in the kirk of Jedburgh, both pairties, considering that the said kirk at present is waist, and some thoughtes of building a new kirk, it is aggried that that processe sall surcease vntil it be resolved whither thair sall be a new kirk or the present kirk repaired. In quhich caice of reparatiōe, and that the present loft sall remaine to be maid vse of, than and in that caice, baith pairties obleissis themselves to submitt thair differences concerning the same to two indifferent and vnderstanding per-sones, one for each pairtie, to cognosce and determine in the said matter. In witnes quhair of baith the saidis pairties have subscrivit thir presentis, day, moneth, place, and yeir of God foirsaidis, befor thir witnessis—Sir Alexander Vrquhart of Crommertie, Captane Johne Rutherford, and Mr. Thomas Carre, wrytar in Edinburgh and wrytar heirof, and Rodger Rutherford, servitor to the said lord Rutherford. (Signed) Rutherford, Ro: Kerr, J. Rutherford. S^r. A. Vrquhart, witnes; Thomas Carre, witnes; Roger Rutherford, witnesse.

[Dorso.]

Aggriement betwixt the lord Rutherford and Craillinghall* and Edgarstoun. 1666.

* Sir Robert Karre of Crailing-hall (third Lord Jedburgh) inherited his mother Marie Rutherford's estates of Hundalee, &c., with the family burial-place in Jedburgh Abbey.

LETTER OF CHARGE to the SHERIFF of
ROXBURGH to desist from the service of JOHN
RUTHIRFURD of Hunthill as heir to his brother
ANDREW in the Barony of Capehope, &c.

Marie be the grace of God Quene of Scottis to oure lovittis
William Deikesown
. Oure Shereffis in that pairt conjunctlie and severalie
specialie constitute greting fforasmekill as it is humlie menit
and schawin to us be oure lovittis Maister Henry Lauder and
Johnne Spens our advocattis and Johnne Stewart of Tracquair
for his interes That quhairas thai ar informit Johnne Rutherfurd
of Hunthill hes purchest ane brief of inqueist of oure chapell
direct to oure Shereff of Roxburgh and his deputis for serving of
him as nerrest and lauchfull air to vmquhile Andro Ruthirfurd
of Hunthill his bruther of certain landis and annuettis liand within
oure said sherefdom quhilk breif is proclamit as our saidis
advocattis ar informit to be servit befoir our said Sheref and his
deputis the . . . day of . . . at the quhilk day the
said Johnne intendis to get him self servit of the landis and barony
of Kaiphope with the pertinentis liand within oure sherefdom
foirsaid quhilkis landis is allegit to haif bene resignit be vmquhile
Helene Ruthirfurd of that Ilk ant to Johnne Stewart* of Trac-
quair spous to the said Andro Ruthirfurd for the tyme and that
the said Johnne hes gude rycht to object aganis the said brief
and may nocht gudolie pas to Jedburg for stopping of the
service thairof and defending of his just rycht be ressoun thair
is deidlie feid betwix the Ruthirfurds and the Kerris and the
said Johnne is alliai with the Kerris and has the laird of
Cessfurd's dochter to his wyffe and incais he would pas fordwart
to that effect his saidis alliai behuiffit to pas with him with
convocatioun of thair freyndis for thair defence quhilk mycht
provoke ane gret inconvenient And as the said Johnne Stewart
raisit befoir ane brief direct to our said sheref and his deputis
for serving of him as nerrest and lauchfull air to the said
vmquhile Helene of the saidis landis of Ruthirfurd and of the
said barony of Kaiphope as ane pairt of the samin and our

* This Sir John Stuart, who subsequently settled the quarrel betwixt the families by signing confirmation of the Crown grant of Edgerston to his cousin, Richard Ruthirfurd, died unmarried, and was succeeded by his younger brother, James.

derrest moder dischargit the service thairof be her letteris to be in Jedburg and ordainit ane commissioun to be given direct for serving thairof befoir certane shereffs in that pairt of oure said Sherefdome in the tolbuyth of oure burgh of Edinburgh be ressoun her hienes had speciall entres thairto according to the quhilk the said Johnne Ruthirfurd has obtenit ane commissioun of the Lordis of our Counsale direct to certane men of the law makand thame shereffis in that pairt of oure said Sherefdome for serving of the said brevis in the said tolbuyth of our burg of Edinburg Quhilkis Jugeis are sworne and hes acceptit the samin upoun thame Nochtwithstanding the quhilk the said Johnne Rutherfurd under cullour thairof nocht purposing to persew the service of the saidis brevis befoir thame intendis previlie on his maner to obtene his saidis brevis servit at the said day befoir oure said sheref of Roxburg and his deputis without any knowlege thairof to cum older to oure said advocattis ares or the said Johnne Stewart for his interes quairthrow nocht onelie he bot alswa we for oure interes wilbe gretumlie hurt incas ouer said sheref and his deputis be sufferit to proceid quhilk on nawys aucht to be sufferit in respect to the commissioun ellis grantit and utheris caussis abone writtin as is allegit Ouer will is heirfoir and we charge you straitlie and commandis that incontinent thir ouer lettres sene ye pas and in ouer name and auctorite command and charge oure said Sheref of Roxburgh and his deputis to desist and ceis fra all proceeding upoun the serving of the saidis brevis purchest be the said John Ruthirfurd of Hunthill or ony utheris as air to the said vmquhile Helene in tyme cuming ay and quhill the saidis shereffis in that pairte chosin be the said commissioun for doing of justice in that mater haif maid fynell and thairintill for the caussis abonewrittin discharging thame utherwyis of all proceeding thairintill and of thair offices in that pairte in the mentyme quhill the veritie be knawin according to justice becaus the the saidis Lordis hes sene quhair the Samin lettres wer gevin of befoir in the samin caus as ye will answer to us thairupoun The quhilk to do we commit to you conjunctlie and severalie oure full power be thir oure lettres delivering thame be you deulie execute and indorsate agane to the berair Gevin under oure Signet at Edinburgh the viij day of November 1555 and of ouer Rignne the xiiij yeir Ex deliberatione dominorum conselij

J. Freir.

NOTES AND CORRECTIONS.

CHART PEDIGREE.

For Mary *Ker*, wife of John Oliver (youngest of the Sheriff's six sons), read *Kerr*; the families of Abbotrule, Fairnilee, and Shaw also wrote their name *Kerr*.

The name of the owners of Edgerston and their cadets has for some generations been written *Rutberfurd*, not *Rutbirfurd*.

William Alexander Oliver-Rutherford of Edgerston married first Margaret-Jane, daughter of Edward Young, by his wife Elizabeth, daughter of J. Browne Roberts of Ravensbourne Park, Kent, whose sisters Katherine-Jane and Margaret-Amelia married brothers, Thomas Macmillan-Scott of Wauchope, and Charles Scott of Langlee, co. Roxburgh. Edward Young's father married the sister of Mr. Oliver-Rutherford of Edgerston, the sheriff of Roxburghshire.

Andrew Ruthirfurd of Hunthill had by his wife Margaret Livingstone a dau. Margaret, who m. Alexander Durham of Largo. Their marriage contract was dated 13th October, 1671. Margaret is therein designated *daughter of the late Andrew Rutbirfurd of Hunthill*. This document has very recently come to light, having been discovered amongst the Largo writs. It proves that there had been a total misconception respecting the descent of the Durhams from the House of Hunthill, as set forth in Sir Robert Douglas's "Baronage of Scotland" and other printed accounts of the family.

General James Durham of Largo, and his brother and heir, Admiral Sir Philip, claimed the peerage and quartered the arms of the Lords Ruthirfurd, upon the strength of the supposition that their ancestor married the daughter of Sir Thomas Ruthirfurd of Hunthill. This gentleman succeeded as second Lord Ruthirfurd, under the will of the Earl of Teviot, made in 1663. The singular privilege granted to the gallant General Andrew Ruthirfurd, of nominating whomsoever he pleased his successor in the peerage of Rutherford, has been noticed at page xv, where the diploma of the dignity is recited, which has been

called "the most curious patent of honours extant."—Sinclair's "Dissertation on Heirs Male."

There was a clause in the will appointing the eldest daughter of Sir Thomas heir to the title and estates failing his heirs male.

Andrew Ruthirfurd of Hunthill, Sir Thomas's eldest brother, died ten years before the peerage was conferred upon their distant kinsman, and twenty years before his daughter married Alexander Durham, who was the second son of Mr. James Durham, minister at Glasgow, and laird of Pourie-Durham in Angus. Alexander succeeded [upon the death of his elder brother Francis, who lived for three months only after he had come into possession] to the estate of Largo, co. Fife, purchased by their uncle Sir Alexander Durham, Lyon King-of-Arms, who died *s.p.* in 1663. Sir Alexander was son of Sir James Durham, Knight of Pitkerrow.

No other matrimonial alliance between the families is recorded but that of Alexander Durham and Margaret Ruthirfurd above named. Sir Thomas, the second peer, and his brothers Archibald and Robert, who succeeded as third and fourth Lords Ruthirfurd, all died *s.p.*; so it is probable that Catherine, wife of Lumisden of Innergellie, co. Fife, was also a daughter of Andrew of Hunthill.

Page v.—In 1296 "the Manor of Dodyngton, in Northumberland, Nicholas de Rothirforde's," is mentioned in the list of lands in England belonging to hostile Scotsmen, and forfeited by Edward I.

"A.D. 1306. Eva and Marjorie de Rotherforde heirs of Monsire Nichol de Rotherforde chivaler Descoce, their grandfather, petition the King [Edward I.] for a writ to the Sheriff of Northumberland to give them seisin of 100 'southz' of annual rent in the mills of Doddingstone in that county, in which their grandfather was seised at the beginning of this war, and ousted on that account."

On 12 June 1325 "Robert Bruce King of Scots granted charter conferring upon Roger son of Finlay all the lands which belonged to Eva of Rotherforde and Marjorie of Rotherforde her sister in the tenement of Clifton which had fallen into the King's hands by reason of forfeiture to the extent of £20 of land."—Tower Miscellaneous Rolls, Bain's Collect.

This Roger, son of Finlay del Twydin, was the ancestor of the Tuedys of Drummelzier, and got that barony also from King Robert.

Sir Robert de Rothirforde, the friend of Robert THE BRUCE, married Johanna, daughter of Sir Henry de Heton, co. Roxburgh.

Page vi.—Edward III. on “6 November 1363” “of special favour granted to his lege John Kerre the custody of the late William Rothirforde’s lands in Tevydale, held in capite, and of William, his son and heir, till majority, with his marriage, without disparagement.”

William, the son, appears to have died under age, as Richard succeeded. The John Kerre here named was, no doubt, the scion of the Anglo-Norman family seated at Kershall, in Lancashire, who got from John de Copeland, the English Warden, the lands of Auldounburn, on the Bowmont water, in 1357.

Page xxiii.—It is scarcely necessary to point out, as the seal appended to the *fac-simile* of the charter speaks for itself, that it is not that of Andrew the abbot of Jedburgh in 1464, who granted the “lair” in the abbey to Robert Ruthirfurd of Chattow and Margaret Glendonwyn his wife, the heiress of Scraisburg. It bears the name of David Beton or Bethune, the Cardinal Primate and Chancellor of Scotland, who had given confirmation probably of the grant, when visiting Jedburgh nearly a century later, and the seal had been attached to the old deed.

Page xxxvi.—For PERYS of COCKBURN read WILLIAM. Sir Walter Scott in his history of Scotland [“Tales of a Grandfather”] and his “Border Minstrelsy,” Sir Thomas Dick-Lauder in his “Scottish Rivers,” Mr Riddell-Carre in his “Border Memories,” and the author of the Statistical Account of the Parishes of Lyne and Megget, all mention the redoubtable chieftain of Henderland put to death by King James V. in 1529, as being named Piers. This is now known to be a mistake: it is proved by incontestable evidence that his name was William. The tombstone that was discovered in the old chapel at Henderland bearing the inscription *Here lyes Perys of Cockburn and hys wyfe Mariorp*, was placed over the grave of the ill-fated William’s great-great-grandfather and great-great-grandmother. Margaret Cockburn, wife of Sir Walter Scott of Buccleuch, was the daughter of the second Piers Cockburn of Henderland. The Baron William who was made an example

of to "terrifie vthers" was the son of *Katrine* Ruthirfurd and her husband William Cockburn of Henderland, one of whose sisters, Margaret, married first Lindsay of Wauchopedale, and secondly William Hay of Tallo, another Marjorie married Walter Scott, seventh laird of Sinton.

Page xxxvii.—Previous to the burning of Hunthill by Lord Surrey, mentioned at page xxxvii, the property of the Ruthirfurds of that place had suffered severely. There is a record amongst the State papers of the time of Henry VIII. which is interesting as showing what an important place Scraisbrugh was at that time. The writer, sending in his report of the doings in the north, states as follows :—

"xx June a company of Tynedale and Redesdale arciers and vther valyant menne ventred vpoun the gratest towne in all Tieudale called Scraisbrugh a towne of the Lord Hunthyll's, whereas besides rych spoyles and greate plentie of note and shepe xxxviii persons were taken, after this victorie who is most to be lauded but God by whose goodnesse the Englyshmen have had a greate season, notable victories and maters wordy triumph."

Page xlv.—Jean, eldest dau. of George Ruthirfurd, merchant in Dunbar (heir presumptive at the time of his death to the title borne by his cousin Robert, fourth Lord), m. as first wife William Cockburn, merchant in Ayton, second son of Sir A. Cockburn, Bart. of Langton : she d. *s.p.* He remarried his cousin, Frances Cockburn, by whom he had Sir James, sixth Baronet. Her sister Isabell Ruthirfurd m. Thomas Hood, Ayton, grandson of J. Hwde of Hwdesland, Ayton, and Margaret, dau. of J. Edzeare of Wedderlie, his wife. The family of Edzeare or Edgar possessed Wedderlie certainly for six hundred years.

Page l.—"John Lord Rutherford captain in His Majesty's Regiment of Guards died 15 January 1745. His Lordship is succeeded by his only son Alexander, an officer in the Earl of Crawford's troop of Guards. The honours are disputed." Obituary 1745.

His son's claims appear to have been subsequently recognised by the Government. In the *London Gazette* of 16th April, 1757, is the notice of the promotion of "ALEXANDER LORD RUTHERFORD to be Captain Lieutenant in the Royal Regiment of Horse Guards."

CONTENTS

TO

THE RUTHERFURDS OF THAT ILK.

POSITIVE AND PROSPECTIVE.

JUNE, 1903.

SUPPLEMENTARY 16 PAGES

TO

THE RUTHERFURDS OF THAT ILK.

*Printed by Mr. Hood, and not included in the volume as
issued by him.*

P A G E S,

SUPPLEMENTARY TO CARMICHAEL'S PAPERS,

HAVING SPECIAL REFERENCE TO

ANDREW RUTHERFURD, EARL OF TEVIOT

(INSERTED HERE FOR CONVENIENCE OF REFERENCE).

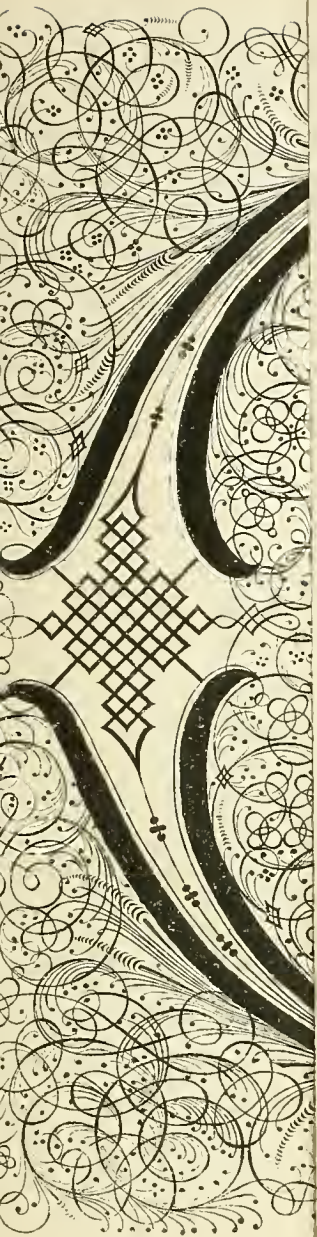
For the privilege of copying the following interesting document, and for supplying a transcription of its wording in readable English, the publisher is indebted to Mr. Robert Waldie, Glencairn, Jedburgh

[vide page 8].

CHARLES THE SECOND By the grace of God King of England Scotland France and Ireland Defender of the Faith etc To our right trusty and right wel-beloved cousen Andrew Earle of Tiveot greeting : Whereas our right trusty and right wel-heloved cousen Henry Earle of Peterburgh hath moved us to withdraw him from the comand of our City of Tanger and the territories thereof of which hee was possessed by Comission under our Greatē Seale of England bearing date the sixth of September in the thirteenth yeare of our reigne, and Wee continuēing our same Royall intentons to render the said place and territories considerable and beneficiall to the honour and trade of this our Kingdome and reposeing especiall trust and confidence in the p'son merit and capacity of you Andrew Earle of Tiveot have revoked determined and disannulled and wee doe by these p'sents rovoke determine and disannull our said Comission soe graunted to the Earle of Peterburgh as aforesaid. AND doe constitute and appoint you the said Earle of Tiveot Captaine Generall and Comander in cheife of our said City of Tanger and of our territories in or neir the Kingdomes of Fez Sus and Morocco and of all the forces both horse and foot which are already in the places above mentoned or which shall hereafter by our royall authority or Comission hee transported thither or otherwise raised there of what nation or country soever, and in like manner of all cityes castles towns forts or cittadells made already or acquired or hereafter to bee made or acquired or any way depending on or belonging to our said City and territories. To HOLD and enjoy the said place and office of Captaine Generale and Comander in chiefe to you the said Earle dureing our pleasure with all the powers priviledges Immunities and advantages which of custome doe or of right ought to helong thereunto : AND accordingly to cashier displace and suspend all such officers and souldiers as to you shall appeare to merritt the same likewise to nominate and appoint new officers instead of those soe removed or whose places shall become vacant by death or otherwise till by our royall Comission Wee shall have supplied the same and all and every one of the said officers and souldiers both horse and foote under them to employ as you shall thinke fitt either for the defence of our City and territories above said or for the annoyance and destructon of all and everyone that openly or secretly shall oppose our quiet possession and royall authority therein AND Wee doe hereby further give you full power and authority to treat and conclude any league or leagues of amity and confederacy with any Princes Powers or Potentates hording upon our said City and the territories adjoyning. AND FINALLY to ratifie and confirme the same within a certeine limitation of tyme referring yourselfe heyond that terme to our further approhaton and confirmaton of the same with power to dissolve and disannull the said alliance and confederacies it appeareing to you that our royall servic requires the same. AND Wee doe hereby further confirme to you the title and power of Vice Admirall given you by our dearest brother the Duke of York our High Admirall of England and Tanger, and for the better disciplinc of the forces under your comand both by sea and land Wee doe hereby give you full power and authority to ordeine publish and execute lawes and ordinances martiall and to punish by death or otherwise or to pardon offences as in your discreton you shall thinke fitt. Wee doe hereby likewise authorize you to place and displace as it shall appeare fitt and convenient for our service all Magistrates and officers for the equall and indifferent administraton of justice and redressing wronges and abuses which may happen within our said City and territories in such manner as now att p'sent or hereafter you shall be directed by Instructons from us AND OUR will and pleasure is that all confiscatons prizes goodes and merchandizes condemned in any our Courts of Judicature there and all other forfeitures publick payments and profitts hee ereceived by you from such collectors as you shall appoint thereunto upon account of the publick charges and expence of the government there Excepting and reserving to our High Admirall of Tanger all and singular the rights and dues which of right or custome doe and ought to helong to our said High Admirall, and the right of appointing officers for collecting and receiving the same. AND LASTLY Wee doe hereby give and graunt for us our heirs and successors that for whatsoever you or any by your Comission warrant or comand shall lawfully doe by virtue of this our Comission or the Instructons which you att any tyme shall receive from us the showing forth of these our Letters Patents or the Inrollment thereof shall hee in all and every of our Courts and elsewhere in our dominions a sufficient discharge and acquittall IN WITNES WHEREOF Wee have caused these our letters to bee made patents Witnes our self att Westminster the second day of May in the fifteenth yeare of our Reigne.

p. Nom Regem

BAXTER



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THE RUTHERFURD PEERAGE.

Extracts having reference thereto from the Complete Peerage of England, Scotland, and Ireland, Great Britain, and the United Kingdom: Extant, Extinct, and Dormant [a surprising compilation]. Vol. VI. and others.

RUTHERFURD PEERAGE.—INTRODUCTORY.

Andrew Rutherford (or *Rutherford*) only son of William Rutherford of Quarryholes (*vide* Hood, pages xiv. and *ib.* xix., *note*, and "Persons Assuming the Title," *post*) supposed to have been a cadet of the family of Rutherford of Hunthill, by Isabel, daughter of James Stewart of Traquair (*vide* "Contributions"—*The Rutherford-Traquairs, post*). He was educated at the College of Edinburgh, became an officer in the French Service (*vide* "Contributions"—*The Scots Guards in France*, page 9), and having risen to the rank of Lieutenant-General therein, and, being highly recommended by the King of France [Louis XIV.] to King Charles II., was, by him, on 19th January, 1660 (1661, *note a*) (the year following his restoration—*vide* Hood, page xv.), created

I. 1660.—Lord Rutherford [in the Peerage of Scotland], with a power, failing his male issue, of nominating his successor in that dignity (*b*). He was soon after made Governor of Dunkirk, and was principal manager of the sale thereof by Charles to the French King, for which "acceptable service" (*c*) he was created, 2d February, 1662/3, (*a*) EARL OF TEVIOT [S. *], without, however, any special power of nomination. He was made Colonel of the 2d Tangier Foot, and Governor of Tangier (*d*). Soon afterwards, and when about to embark at Portsmouth, he executed (23d December, 1663) his will, making a (somewhat motley) settlement of his estate, peerage, legacies, and debts (*e*) in favour of Sir Thomas Rutherford of Hunthill, with remainder (1) to the eldest son, whom failing (2) to the nearest heirs male, whom failing (3) to the eldest daughter of the said Thomas, her son taking the name of (Rutherford (*e*)). He died unmarried at Tangier, 4th May, 1664, being killed in a sally against the Moors, when the EARLDOM OF TEVIOT became *extinct*. His said will was proved 24th July, 1664.

Note (a).—That is 1662, English reckoning, whose year at the time began in March; but 1663 by Scotch reckoning, whose year began 1st January.

(*b*) "Nomination to Peerages" (List of, *vide* note B.)

(*c*) "Dunkirk" and (*d*) "Tangier"—*vide* page 6.

(*e*) As the said Thomas had no daughter, inasmuch as he died *sans posterity*, this remainder did not take effect, and the peerage, both according to the patent and to the nomination, became one strictly entail *male*.

* In Peerage of Scotland only.

Vide Pepys's contribution (page 5). To it Mr. Rutherford, W.S., Edinburgh, who collected the extracts, adds:—

It is a pity that Mr. Pepys gives no account of Lord Rutherford's personal appearance. He seems to have known him well, and tells us that he found him "a most careful, thoughtful, and cunning [*i.e.*, 'wise, or knowing'] man, as he ever took him to be;" also that he was a man "of few words." Mr. Coventry says he "was the boldest adventurer of his person in the world," which is borne out by other evidence; but when he further states that "upon a defence he was *all fury and no judgment in a fight*," it is at once evident that such an estimate of the active side of Lord Rutherford's character fails to agree with Mr. Pepys' description of him. It is a beautiful feature of the Earl's character that, while he was ever reckless of his own personal safety, he *could not endure* that the lives of those under him should be unnecessarily endangered.

II. 1664.—THOMAS (RUTHERFURD), LORD RUTHERFURD, who, under the nomination of December, 1663, above mentioned (wherein he is styled "Sir Thomas Rutherford of Hunthill"), succeeded to the peerage 4th May, 1664. He sat in Parliament [S.*] 9th January, 1667. He married Christian (*f*), daughter of Sir Alexander Urquhart of Cromertie. He died *s.p.*, and was buried 16th April, 1688, at St Paul's, Covent Garden (*g*). His widow married James (Crichton), second Viscount Fren draught [S.], who died 1678. She married thirdly George Morison, afterwards of Bognie, and died before 1st August, 1699 (*h*).

(*f*) According to Pepys (3d October, 1665) Lady Rutherford was "a fine young Scotch lady, pretty handsome and plain" [the word used, "plain," apparently signifying "plainly dressed"].

(*g*) The [burial] entry is "Thomas, Earle of Rutherford"—his predecessor's "Earldom" being erroneously attributed to him.

(*h*) After the death of her son, the third Viscount [Fren draught], who died a minor before 1686, she conveyed the lands of Fren draught, Bognie, *etc.*, to her husband, George Morison. These came to be inherited by their son, Theodore Morison.

* [S.] Peerage of Scotland (see above).

III. 1668.—ARCHIBALD (RUTHERFURD), LORD RUTHERFURD [S.], brother and heir, succeeded to the peerage 11th April, 1668, as nearest heir *male* to his brother Thomas, under the nomination above mentioned. He died *s.p.m.* (apparently unmarried), 11th March, 1685 [*vide* "Romantic Incident in the Life of," page 4].

IV. 1685 to 1724.—ROBERT RUTHERFURD, LORD RUTHERFURD [S.], brother and heir, succeeded to the peerage 11th March, 1685, as the nearest heir *male* to his said brother Thomas, the second Lord, under the nomination above mentioned. He sat and voted in Parliament [S.] in 1698. He died *s.p.m.* (apparently unmarried) 1724 (*i*), since which date, though the title has been frequently assumed (as mentioned below), no one having been proved to be the heir male of the second Lord, the peerage has remained *dormant*.

(*i*) A general return, 1737, found Henry Kerr* of Graden [a small estate near to Kelso], heir to the fourth Lord, as the grandson of his sister, Lillias Rutherford. The evidence that this Lord died *s.p.* was denied (strangely enough by the Lords' Committee of Privileges, 23d July, 1639), though the fact had been admitted in the proceedings from 1733 to 1762, a period when the truth of it (the death being but in 1724) would have been well known.

* Kerr was a conspicuous adherent of Prince Charles. His coolness and bravery in the face of Cope's Army the day preceding the battle of Prestonpans is recorded by Dr. Robert Chambers and other historians.

A ROMANTIC INCIDENT IN THE LIFE OF ARCHIBALD, THIRD LORD.

In *Chambers's Journal* (vol. for 1875, page 704, *et seq.*) is a notice of the History of the Dalrymples of Stair*, signed "W. C." [? William Chambers], from which is gathered an incident of Rutherford interest, not generally known, and worth relating—the "Lord Rutherford" there referred to being Archibald, the third Lord.

Sir Walter Scott, in the introduction to his tale, *The Bride of Lammermoor*, relates the incident of the tragedy as it was told to him by different retailers, whose versions vary. All of them are more or less inaccurate, and one of them, especially, is malignant. The following may be accepted as a correct relation of the circumstances. It has the imprimatur of "W. C.," who brings the volumes under notice, and of Murray Graham, the author, and is indirectly confirmed by the notice in the Peerage.

Sir James Dalrymple, an eminent lawyer, successively Judge and President of the Court of Session, and the first Earl of Stair (time of Charles II. and James II.) By his wife, the ambitious Margaret Ross (otherwise Lady Ashton of the tale). Sir James had a large family. Janet (otherwise the gentle Lucy Ashton), the eldest daughter, had, against the will of her parents, pledged her troth to Archibald, second Lord Rutherford (otherwise the Master of Ravenswood), who was not acceptable to them on account of his political principles. At the time controversy and feeling ran high. James II. reigned, and, by bribery and persecution, was endeavouring to convert Scotland from the error of its Presbyterian ways, proceedings which the astute Sir James considered were so dangerous to his own safety that he quietly removed himself to Leyden. In 1688 King James fled. William of Orange landed in England, bringing Sir James in his train. In 1690 he was raised to the peerage as first Viscount Stair [S.], and his son, Sir John, the Master of Stair, became Secretary of State for Scotland.

To break off Janet's engagement with Lord Rutherford in favour of Sir David Dunbar, younger of Baldoon—a nephew of Lord Rutherford—the wealthier, and as such the more eligible suitor—Lady Dalrymple successfully employed her strong will to overcome the weaker will of her daughter. The marriage with young Dunbar was agreed to. It took place 12th August, 1669—one year after Archibald had succeeded to the title—the bride riding to the church behind one of her younger brothers, who long afterwards spoke of the chilly coldness of her hand as it touched his when holding by his waist.

A gallant troop of friends accompanied the married pair to Baldoon, where a masque was prepared for them. But, alas! the bride's health suddenly declined, and she died at Baldoon, probably of a broken heart, on the 12th September following. The circumstances connected with the death differ materially from those pictured by Sir Walter in the story.

Dunbar afterwards married a daughter of the seventh Earl of Eglinton, and died 1688 by a fall from his horse. As for Rutherford, he obtained a commission in the Household Guards, and died, as already noted, 1685.

The brother of Lucy who succeeded to the title and estate was the historically infamous second Earl, who, as Secretary of State for Scotland, was the instigator of the massacre of Glencoe.

* Annals and Correspondence of Viscount and first and second Earls of Stair, by William Murray Graham. 2 vols., 8vo. Blackwood & Sons. 1875.

PEERAGE NOMINATIONS.—SCOTLAND (*Vide* COMPLETE PEERAGE, VOL. II.)

(NOTE B.)

These were of a class (seemingly peculiar to Scotland) in which the granters were authorised to nominate their successors in the dignities granted. These appear to be comprised in the following list:—

HUME of BERWICK—BARONY, 1604. No nomination made.

CARDROSS—BARONY, 1610.

ROXBURGHE—EARLDOM, 1646. To this dignity that of DUKEDOM was attached 1707. (No nomination seems ever to have been made of these honours.)

RUTHERFURD—BARONY, 1661. Nomination made 1663. Dormant, 1724. (*Vide* Text).

EROLL—EARLDOM, New destination of, 1663. Nomination made February, 1675, which, though it did not receive subsequent sanction from the Crown, was, in May, 1797, held to be valid by the House of Lords.

BREADALBANE—EARLDOM, regrant of 1672. No nomination made.

KINOHORN—EARLDOM, 1672. No nomination made.

QUEENSBERRY—DUKEDOM, 1706. Nomination made (*vide* "Contributions," *Traquair-Queensberry*).

STAIR—EARLDOM, regrant of 1706/7; but in this case the nomination, dated 1747, was (as being after the Union with England) declared, May, 1784, by the House of Lords "not valid in law."

SEMPILL—BARONY (date not given), regrant of. No nomination made.

PERSONS ASSUMING THE TITLE OF LORD RUTHERFURD (PEERAGE, VOL. VI.)

I. 1724.—John Rutherford [styling himself fifth Lord Rutherford], a Lieutenant or Captain in the Army, as heir-*male* of the second, third, and fourth Lords, alleging himself to be the great-grandson of RICHARD RUTHERFURD, brother of Thomas Rutherford of Hunthill, their grandfather (*vide* Hood, page xviii).

II. 1745.—Alexander Rutherford assumed the title of fifth Lord Rutherford as son and heir of the above, and was under that style gazetted, 16th April, 1757, as Capt.-Lieut. in the Royal Reg. of Horse Guards. He died unmarried, 25th October, 1766 (*vide* Hood, page xix).

I. bis. 1733.—George Durie of Grange, near Burntisland, assumed the title of Lord Rutherford as great-nephew and heir-of-line of the first Lord (the EARL of TEVIOT), through the Earl's sister Catherine, wife of Robert Durie of Grange aforesaid. He voted in several elections of Scottish Representative Peers from 1733 to 1754. Some few being without, and some with protest, and very

A RUTHERFURD SOUVENIR OF JEDBURGH ABBEY'S RUINED CHOIR.

13 July, 1464.—Andrew, Abbot of ye Abbay, with consent and assent of our halle convent, haff grantyt till our weyebelufyt Robert of Rudirfurd and Margaret his wyffe, their laris [burial allotments] within quher of our Abbay of Jedworth, in the mydeis of the sam quhar the lection standis. [Time of James III.]

1502.—Robert Rutherford in Todlaw for stealing certain “cushies of silk,” sheets, linen cloths, “fustaine,” scarfs, and other cloths from the kirk of Jedburgh, produced a remission [is absolved] for Art and part [his share] of the theft.

28 August, 1504.—A number of “men, kin, and tenants” of Archbishop Blackadder of Glasgow for the slaughter of Thomas Rutherford, committed in the Monastery of Jedburgh, has a remission granted by the King [James IV. who was slain at Flodden] 28th February, 1506, to the parties concerned mentioned in Pitcairn's *Criminal Trials*, but giving no particulars of the occurrence.

Some time after this William Rutherford of Longnewton was slaughtered in the Abbey by Robert Ker of Newhall, but whether this was in any way connected with the other is unknown. In 1560 the Ker and Rutherford feud was made up by arranging that a Ker should marry a Rutherford, and a Rutherford should marry a Ker. This was a frequent way of settling family quarrels. [Mary arrived.]

The Rutherfuds of Fernilee had no allotment in the Choir, preferring to have it in the Bell House on the sloping part of the graveyard, for the reason that when the English in one of their raids upon Jedburgh carried away from the Tower the largest bell belonging to the Abbey. This was resented by Richard of Fernilee. He pursued them, and in the fray for its recovery got mortally wounded, and, dying, requested to be buried in the Bell House. On its site the last of his family was buried, as was also the last of the Lorymers; and there (the only existent family in Jedburgh which can claim ancient lineage) “The Greens” bury. Tradition says the Bell was carried over the Border to Hexham.

Major John Rutherford of Mossburnford, who is alluded to by the poet Burns in his *Border Tour*, is buried in the Choir. When quite a lad, and connected with the Army troops in America in an exploring expedition, he was taken captive by the natives, from whom, after some time, he escaped. Of his captivity and escape he wrote an interesting sketch. He died 12 July, 1830, aged eighty-four.

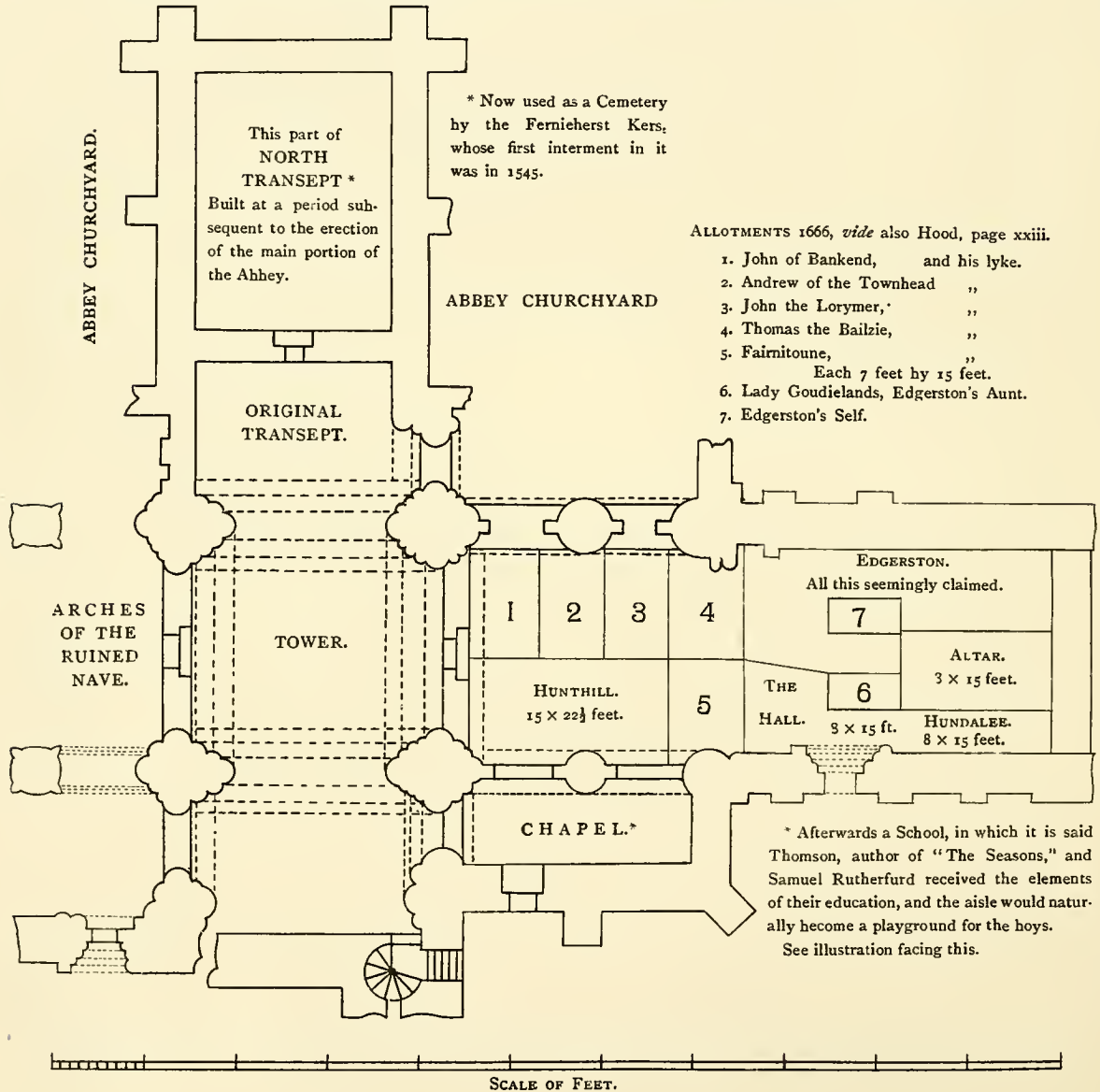
The last man of note to be buried in the Choir was John Rutherford of Edgerston, who did much for the good of his native county. For two successive Parliaments he was M.P. for the county of Roxburgh. “Zealous in the performance of his public duties, just and correct in every private relation, a loyal subject, a considerate landlord, he left an example of public spirit and private worth, and of the true dignity of an independent Scottish gentleman.” He died 6 May, 1834, aged eighty-six. The Rutherfuds were a long-lived, prolific race, and for centuries the name dominated the burgh and district of Jedburgh.

That the *bauld* Rutherfuds were noted in their day as *red wud* (reckless fighters), and as such for centuries were the clients of the Border Douglas, ever ready to join with him in raids across the Border, or rebel with him against the King—a characteristic which, with love of adventure, has ever clung to them, and may help to account for the name—despite its being long-lived and prolific—dying out in its ancient territory.

GROUND PLAN AND BURIAL ALLOTMENTS

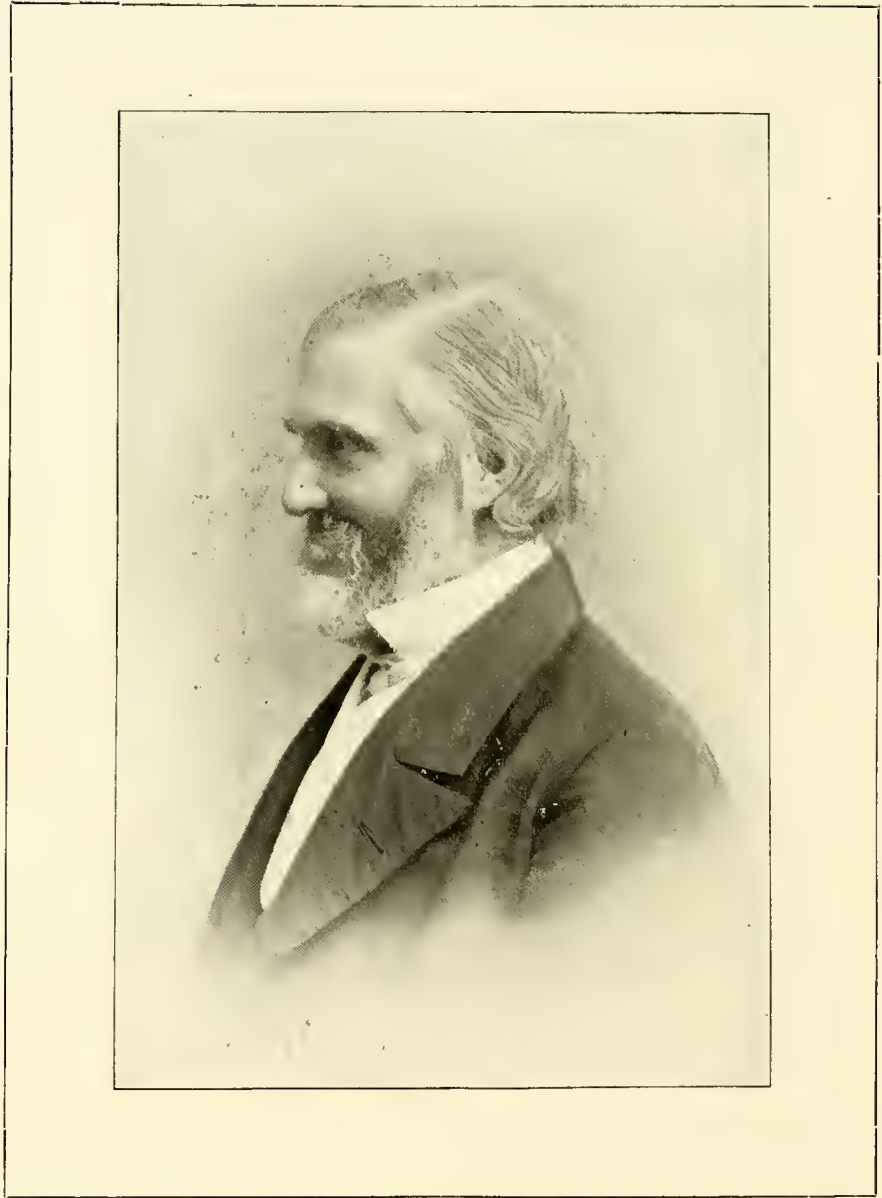
OF THE
RUTHERFURD AISLE. ACCORDING TO PLAN DATED 1666.

A special privilege granted to the heads of the Clan for the slaughter of Thomas Rutherford in the Abbey of Jedburgh, 1504. Sometime after this, William Rutherford of Long Newton was also slaughtered in the Abbey of Jedburgh by Robert Ker of Newhall.



JEDBURGH ABBEY.

Founded by and richly endowed by David I., who died 1153.



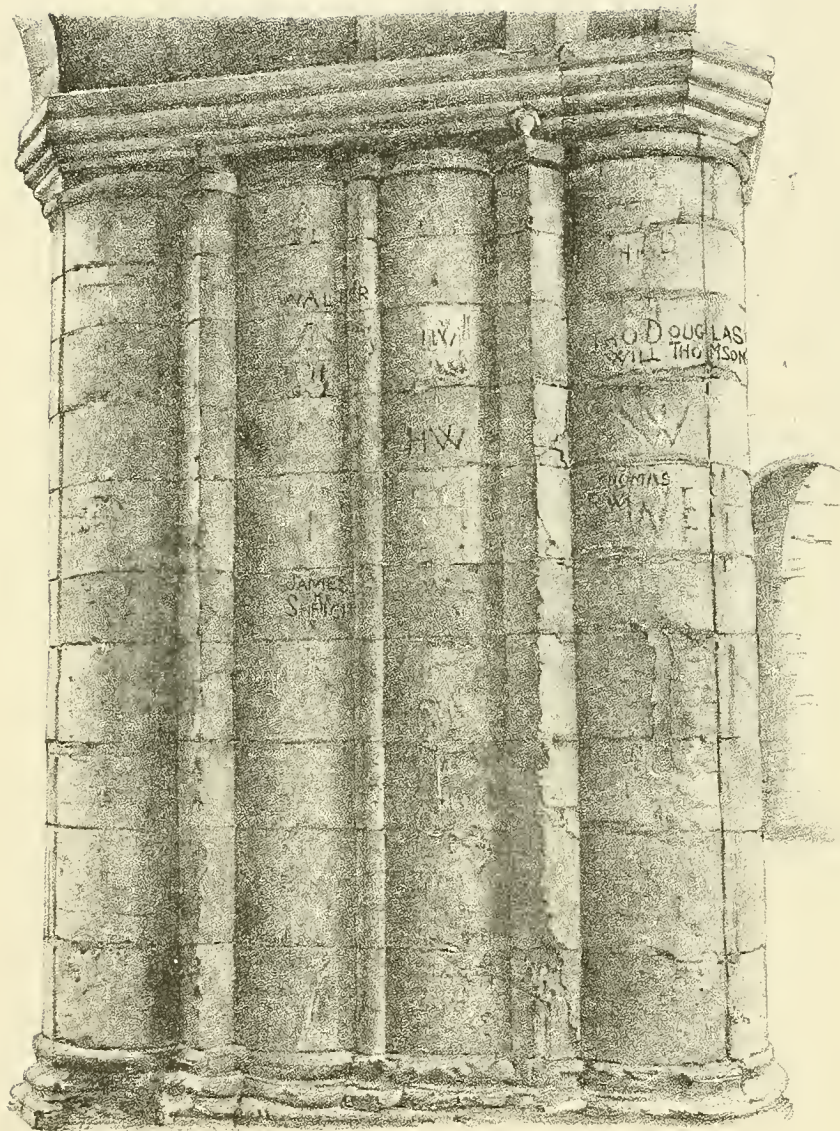
Yours very truly,
Jas. H. Rutherford.



W. H. W. W. W.

J. W. W. W. W.

Your truly
W. H. W. W.



Schoolboy lettering carved on the pillars and walls of the side chapel when used as the Jedburgh Grammar School. As the burgh records make scarcely an allusion to its school accommodation, grammar or other, the period when the chapel was put to school uses cannot be specified, but judging by the numberless displays of boy carving art on its pillars and walls, its use as a school had been for a century or more.

The illustration is from a photo. supplied by Mr Jack, Jedburgh.

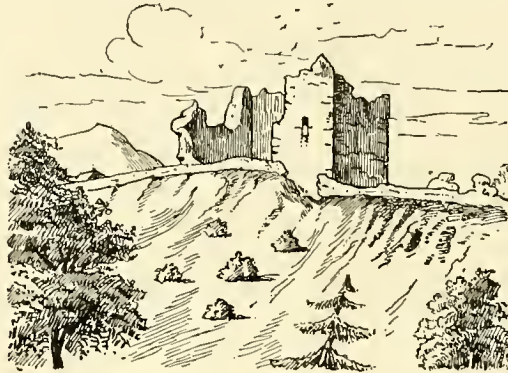
ANCIENT HISTORY.

That the Rutherfurds were associated with Wallace in his efforts to repel the English is thus recorded by Blind Harry in his rhyming History. According to the same authority, Wallace and Rutherford were sons-in-law of Halliday. They arrived in time to join forces with Wallace in his great victory at Biggar (*circa* 1297).

(*Buke Feyrd,*
lines 535--539.)

}

“ Thom Haliday thair men he gydyt rycht,
Off Anadderdial he had thaim led that nycht.
His two gud sonnys, Wallace and Rudyrfurd.
Wallace was blyth fra he hap hard [did hear] thair wouid ;
So was the laiff [others] of his gud chewalry.”



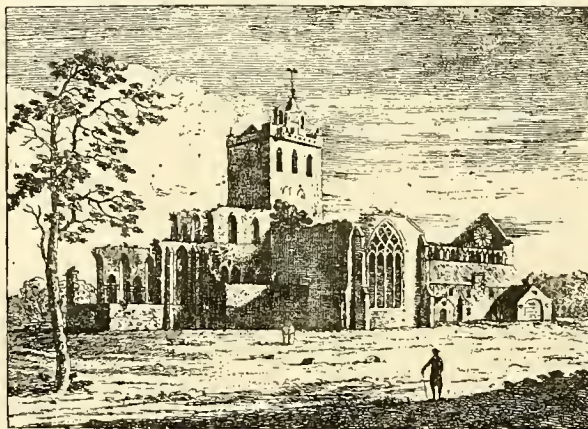
Remains of Sanquhar Castle on the Nith.

Subsequently, when Sir William Douglas, father of the Good Lord James, the faithful adherent of Bruce, was besieged in Sanquhar by the English, Douglas was rescued by Wallace when again Rutherford arrived to help, bringing with him “sixty noble men of war.”

(*Buke Nigte,*
lines 1719--1724.)

}

“ Gud Ruthirfurd, who evir trew has beyn,
In Atryk wode, agayn the Sotheroun Keyn,
Bydyn he had, and done thaim mekill der ;
Saxte he led of nobill men in wer.
Wallace welcumyt quha com in his supple
With lordly feyr, and chyftaynlik was he.



A Very Early View of Jedburgh Abbey, showing its ruined Choir at the date, Drawn and Etched 1775 by Archibald Rutherford, a cadet of the Lorymer (i.e., makers of riding gear) branch.

many *conjointly* with *his* opponent above named, the alleged heir-male of the second Lord. He died at Grange, 18th June, 1759 (*vide* Hood, page xix., *note*).

II. bis. 1759.—David Durie assumed the title of Lord Rutherford, being son and heir of the above. On his father's death in 1759 (as well as his opponent, the alleged heir-male) was ordered by the House of Lords, 15th March, 1762, not to presume to bear the title nor to vote as above. He died — *s.p.*, about 1785.

III. bis. 1785.—John Anderson of Goland assumed the title of Lord Rutherford as heir of the above, being son of his aunt. He voted in November, 1787. The vote was, however, disallowed (in consequence of the resolution of 1762 above mentioned), 21st April, 1786, and no subsequent votes in right of this claim have been tendered.

The claim of one John Rutherford of the dignity as nearest heir-male having been referred to the House of Lords, 10th April and 23d July, 1835, was not proceeded with, on the ground that the death of the fourth Lord had not been proved (*vide note i*, page 3).

Extracts from Pepys' Diary having reference to Lord Rutherford, Earl of Teviot, who was successively Governor of Dunkirk and Tangier.

“ 3 Dec: 1662 : At the Duke of York's chambers, discoursed with my Lord Rutherford who is this day made Governor of Tangier. In Braybrooke's edition this entry is under date 15th Dec., and there is a note by the editor as follows :—

“ Andrew Rutherford, son of William Rutherford of Quarry-holes, went young into the French service, and became a Lieutenant-General of that kingdom. At the Restoration he brought over an honourable testimony from the King of France, was created a Baron of Scotland, and in 1663 was advanced to the Earldom of Teviot for his management of the sale of Dunkirk, of which he was Governor. He was afterwards appointed Governor of Tangier, and was killed by the Moors in 1664: dying without issue, his Earldom became extinct; but the barony of Rutherford descended, according to the patent, to Sir Thomas Rutherford of Hunthill.”

“ 16 Mch: 1662-3 [A] : Long discussion upon my Lord Rutherford's despatch.

[A 1662 according to the English reckoning, whose year till 1752 began 25th March, but 1663 according to the Scotch, whose reckoning began 1st Jan.]

“ 22 July 1663 : Hears that the Moors, having attacked Tangier, were repulsed by my Lord Teviot with loss of about 200 men.

“ 21st August, 1663 : Meeting with Mr. Creed, he told me has my Lord Teviot hath received another attacke from Guyland at Tangier with 10,000 men, and at last, as is said, is come, after a personal treaty with him, to a good understanding and peace with him.

“ 8 Dec: 1663 : To Whitehall—where a great while walked with my Lord Teviot, whom I find a most carefull, thoughtfull, and cunning man, as I also ever took him to be. He is this day bringing in an account where he makes the King debtor to him £10,000 already on the Garrison of Tangier account, but yet demands not ready money to pay it, but offers such ways of paying it out of the sale of old decayed provisions as will enrich him finely.

“ 1 June 1664 : Southwell, Sir W. Pen's friend, tells me the very sad news of my Lord Teviot's and 19 more Commission Officers being killed at Tangier by the Moors, by an ambush of the enemy upon them while they were surveying their lines; which is very sad, and he says afflicts the King much.

“ 2 June 1664 : To a Committee of Tangier . . . ; but it is strange to see how soon the memory of this great man is gone, or, at least, out of mind by the thoughts of who goes next. It seems my Lord Teviot's design was to go a mile and a half out of the town to cut down a wood in which the enemy did use to lie in ambush. He sent several spies, but all brought word that the way was clear. . . . This happened the 3rd of May last. . . . At his going out in the morning he said to some of his officers—“Gentlemen, let us look to ourselves, for it was this day 3 years that so many brave Englishmen were knocked on the head by the Moores, when Fines made his sally out.” [Major Fines, whose regiment formed part of the garrison at Tangier.]

“ June 4. 1664 : Mr. Coventry discoursed largely and bravely to me concerning the different sorts of valours, the active and passive valour. For the former he brought as an instance Prince Rupert, also “my Lord Teviot, who was the boldest adventurer of his person in the world, and from a mean man in few years was come to this greatness of command and repute only by the death of all his Officers, he many times having the luck of being the only survivor of them all, by venturing upon services for the King of France that nobody else would; and yet no man upon a defence, he being all fury and no judgment in a fight.” [Mr. Coventry, Pepy's great friend, was the youngest son of Thomas first Lord Coventry. He was M.P. for Yarmouth, and a Commissioner of the Navy; and was afterwards knighted and made a Privy Councillor. Burnet says he was the best speaker in the House of Commons.]

“ 15 June 1664 : I got Captain Witham to tell me the whole story of my Lord Teviot's misfortune; for he was upon the guard with his horse near the town, when at a distance he saw the enemy appear upon a hill, a mile and a half off, and made up to them, and with much ado he escaped himself; but what become of my Lord he neither knows nor thinks that anybody but the enemy can tell. Our loss was about four hundred. But he tells me that the greater wonder is that my Lord Teviot met no sooner with such a disaster; for every day he did commit himself to more probable danger than this, for now he had the assurance of all his Scouts that there was no enemy thereabouts; whereas he used every day to go out, with

two or three with him, to make his discoveries in greater danger, and yet the man that could not endure to have anybody else to go a step out of order to endanger himself. He concludes him to be the man of the hardest fate to lose so much honour at one blow that ever was. His relation being done, he parted; and I home.

“30 June 1667: Lord Middleton seems a fine soldier, and so everybody says he is; and a man, like my Lord Teviott, and indeed most of the Scotch gentry (as I observe), of few words.”

For this selection of extracts from Pepys the publisher is indebted to Mr. Thomas Rutherford, S.S.C., Edinburgh.

DUNKIRK.

This important fortress and port, the most northerly belonging to France, was taken and garrisoned by Cromwell in 1658, and, as already mentioned, was sold back to King Louis, 1662/3. Louis, who was aware of its importance, had it strongly fortified at vast expense.

By the treaty of Utrecht, 11th April, 1713, Louis was compelled to demolish the fortifications he had erected and close its port, and the town fell into decay. At an expenditure of £2,000,000, authorised by the present French Republic, great harbour works have restored the importance of its port and the prosperity of the town.

TANGIER.

A seaport of Morocco, in the Straits of Gibraltar. It was conquered from the Moors by Alfonso V. for Portugal in 1471, and given as a dower (as was also the settlement of Bombay, in India) to Princess Catharine of Portugal, on her marriage with Charles II., 1662, who, in 1663, caused the works to be blown up. In 1684 Charles caused it to be abandoned on account of the expense of its up-keeping. Afterwards it shared with Algiers a notoriety as a nest for Moorish pirates (“salee rovers,” *vide Robinson Crusoe's Adventures*), who roved the Mediterranean sea and coasts almost at their own freewill—plundering and enslaving—till a British Fleet, under Lord Exmouth, 1816, enforced a treaty abolishing Christian slavery and piracy.

EXTINCT TITLE OF VISCOUNT TEVIOT.

In “The Scots Compendium, or Pocket Peerage of Scotland” (reprinted 1826, vol. ii., 404) occurs, under the heading “Titles Dormant or Extinct,” the mystifying entry:—

“VISCOUNT TEVIOT. LIVINGSTON, 1696. [Extinct].”

A reference to the Peerage explains it. Three families have held the title of Teviot, thus:—Lord Rutherford was created Earl of Teviot in 1663, with limitation to the heirs-male of his body: he died the following year without issue, and the title became extinct. [But the previous title of Baron not being so limited, it passed to his Hunthill cousins—(I.) Thomas, (II.) Archibald, and (III.) Robert—all of whom dying without male issue (*vide Hood*, pages xvi.-xvii.), it became dormant, 1724; and although it has been subsequently claimed and contested, *dormant* it still remains.] The Hon. Robert Spencer was created Viscount Teviot in 1685: he dying without issue, the title again became extinct. Sir Thomas Livingstone was created Viscount Teviot in 1696, with limitation to the heirs-male of his body, but, dying without issue in 1711, the title again became extinct, *not dormant*.”

REVIVED TITLE OF VISCOUNT TEVIOT.

I. 1685 to 1694.—The Honourable Robert Spencer, younger brother of Henry, first Earl of Sunderland, being second son of William (SPENCER), second BARON SPENCER of Worminleyhton, by Penelope, daughter of Henry, first EARL OF SOUTHAMPTON, was born at Althrop, 2d February, 1628/9.[*] He was M.P. for Brackley, 1661, and was [by James II. of England] created 20th October, 1685, (j) VISCOUNT OF TEVIOT [S.] He died *s.p.*, 20th May, 1694, aged 65, “having cut his throat” (k) when the *peerage* became *extinct*.

(j) This was one of the peerages conferred by James II. before his dethronement.

(k) According to Elvyn's *Diary*, he was “a learned and knowing nobleman,” “very soberly and religiously inclined.”

[* 1628 by English, 1629 by Scotch reckoning—*vide* note a, page 5.]

II. 1696 to 1711.—SIR THOMAS LIVINGSTON, BART. [S.] son and heir of Sir Thomas Livingston, Bart. [S.] of Newbigging (so created 29th June, 1627), only child of — Edmond Livingston, a Colonel in the service of the States General [*i.e.*, Holland]; became himself a Colonel in that service, and accompanied the Prince of Orange (afterwards William III.) in 1688 to England. . . . was Commander-in-Chief of the Forces in Scotland. After *succeeding* to the *Baronetcy*, was created, 4th December, 1696, Lord Livingston, Peebles [S.] He became Lieutenant-General, 1704; was naturalised in England in that year. He married Mocktellina Walsave. . . . He died *s.p.*, in London (his wife having been “excepted” of poisoning him), and was buried 24th February, 1710/1 in Westminster Abbey, in his 60th year, when his *peerage* became *extinct*. In December, 1688, Livingston was made Colonel of the Scots Greys, and commanded them in several of the campaigns of William III.

ROYAL DUKES OF TEVIOTDALE.

I.—ERNEST AUGUSTUS, PRINCE OF GREAT BRITAIN AND IRELAND, fifth son and eighth child of King George III., born 6th June, 1771. On 24th April, 1799, he was created DUKE OF CUMBERLAND AND TEVIOTDALE in the British Peerage, and EARL OF ARMAGH in the Irish Peerage. In 1814 he married Frederica Caroline Sophia, daughter of Charles, Grand Duke of Mecklenburg-Strelitz, his mother's niece and his own cousin. She had already been twice married, and from the second husband had been divorced. On the death of King William IV. (to whom he would fain have succeeded as King of Great Britain and Ireland) he, under the Salic law as heir *male*, became King of Hanover. He died 18th November, 1851, aged 80,* and was succeeded by his son.

"Notorious for his violence of temper and disposition. * * * The Duke of Wellington, who disliked him—though not so cordially as Cumberland disliked the Duke—* * * declared of him 'that there never was a husband and wife, nor father and son, nor brother and sister, that he did not strive to set the one against the other.'

"He was, perhaps, of all his brothers, the one of most intellectual force and power, * * * but his ill-regulated, violent disposition made him an object of detestation to his countrymen."—Fitzgerald's *Dukes and Princesses of the Family of George III.* (1882).

"As King of Hanover, his policy was in all respects reactionary; but in 1848 he did so far yield to the storm as just to save his throne by the unwilling concession of liberal reforms."—Chambers' *Biographical Dictionary* (1897).

* This Duke of Cumberland should not be (as he sometimes is) confounded with his granduncle, William Augustus, of Culloden notoriety. He was the last survivor of the many sons and daughters—fifteen in all—of George III.

II.—Ernest Augustus, 18th November, 1851, succeeded as KING OF HANOVER and DUKE OF CUMBERLAND AND TEVIOTDALE. On November, 1866, he was by Prussia deposed as King of Hanover. He died 1878, in exile, and was succeeded by his son.

III. ERNEST AUGUSTUS WILLIAM ADOLPHUS GEORGE FREDERICK, only son of the deposed King, succeeded as Duke of Cumberland and Teviotdale and Earl of Armagh, 1878. He married 21st December, 1878, at Copenhagen, THYRA AMELIA CAROLINE CHARLOTTE ANNE, third and youngest daughter of CHRISTIAN IX. KING OF DENMARK (and youngest sister of ALEXANDRA QUEEN OF ENGLAND), and has issue a son, Earl of Armagh, born 1880, and others.

Notes in full [meagrely given by Hood, page xiv.] from Douglas' Peerage of Scotland on Andrew Rutherford, First Lord Rutherford and Earl of Teviot.

I.—UNDER RUTHERFORD.

William Rutherford of Quarryholes, a cadet of the family of Hunthill, about the year 1600, married Isabel, daughter of James Stewart of Traquair, by whom he had a son

ANDREW, AFTERWARDS LORD RUTHERFORD.

This Andrew taking himself to a military life, went into the French service, where he soon obtained the command of a Company of foot. He gave so many testimonies of his value and conduct that he quickly rose to the rank of a lieutenant-general, and acquired great reputation for his knowledge in the art of war.

He continued in the French service till the restoration of King Charles II. He then came over to England, and having been particularly recommended to his Majesty by the King of France, he soon became a favourite, and was raised to the dignity of the Peerage of Scotland, by the title of Lord Rutherford 19th January 1661.

This Lord continued in great favour with his Majesty, and was appointed Governor of Dunkirk. He managed the sale of that important place with such dexterity, and so much to the King's satisfaction, that immediately upon his return home he was created Earl of Teviot, by patent, to the heirs-male of his body, dated 2nd February 1663.

Soon thereafter he was appointed Governor of Tangier; and, according to the power given him by the Crown in his patent of Lord Rutherford, he, by his Deed of Settlement, duly signed and executed by him at Portsmouth the 23d December 1663, did nominate and appoint Sir Thomas Rutherford of Hunthill to succeed him in his whole estate and dignity of Lord Rutherford, to him and his eldest son; whom failing to his nearest heir-male etc.

This noble Lord immediately after executing this Deed, went and took possession of his Government of Tangier; and having made a sharp and bold sally upon the Moors, they were so well prepared to receive him, that he and his whole party were cut off on the 3rd May 1664; and he having no issue the honours of Rutherford, according to the above destination, devolved upon Sir Thomas Rutherford.

II.—UNDER EARL OF TEVIOT.

General Andrew Rutherford, who was created Lord Rutherford by King Charles II. *anno* 1661, was by that prince further dignified by the Earl of Teviot by patent, to the heirs-male of his body, dated 2nd February 1663.

He being killed at Tangier the year thereafter, without issue, the title of Earl of Teviot expired with him.

Regarding the fac-simile of the Commission, the publisher has been favoured with the following note by Mr. Waldie
[vide page 2] :—

Glencairn, Jedburgh, 3d March, 1903.

There is no doubt that the heading of the Commission in favour of the Earl of Teviot was *printed* by some method, the text only being done by the hand. In the original all the letters of "Charles the Second By," which are shown in *black* in the *fac-simile*, had been printed in *outline* only, and the body of them filled in with some colour, or perhaps gilt, by the hand. This brush work has not been very carefully done in the parchment, as the colour in some places is over the outline, and other parts of the letters have been missed. The colour is now a yellowish brown—that the clerk who got the document to engross was supplied with a sheet of vellum having a printed heading is confirmed in this case by the fact that the full size of the sheet seems to have been *cut down* to suit the quantity of matter he had to write. If you look at the right hand side of the heading you will see that it ends with *part of* a "shield" similar to that on the right hand. In the original the lines of the design run out to the edge, making it clear that it had been cut through. The *fac-simile* having a margin, this is not noticeable. I take it that the complete design would show another "shield" on the right same as on the left. The one on the left I take to represent England, while the missing one would stand for Scotland, just as the rose and thistle are set down on the respective sides in the design. Inside the *part of* the "shield" left at the right hand are the handle of a sword or dagger, and below it part of the thistle head. The full heading would also have the word *the* after *By*, and you will see part of the *stroke* of the *t* still left after the letter "y" in *By*, the same as the *stroke* of the *T* in the word "the" at the beginning. The clerk having cut off the word "the" in the heading, commences the text with it. I am sorry that I am unable to tell you how the Commission landed in Jedburgh.—Yours sincerely,

ROB. WALDIE.

[As the parchment of the Commission is endorsed

"A duplicate Commission constituting Andrew Rutherford, Earl of Teviot, Captain-General of all His Majesty's forces in Tangier,"

it is probable that, while the first was retained by the Earl in his own possession, its double would be sent to his relations at Hunthill, the family residence, near Jedburgh—hence to become, after the death of Lord Robert and the extinction of the title, a piece of flotsam in the burgh. Being the duplicate, this may also account for its want of finish as noticed by Mr. Waldie. It is likely that the first and more carefully-finished copy would be cast aside as of no value after the Earl's death.]

“THE RUTHERFURDS OF THAT ILK.”

Notice of Hood's volume, as issued by him, from the "Scotsman" of October 22, 1884:—

Everyone who has the least taint of patriotic sentiment will agree with the anonymous editor of the sumptuous volume entitled "The Rutherfurds of That Ilk," when he says, in his modest preface, that "the Records of a family that has helped to make Scottish History, and has produced many distinguished men, are worthy of preservation." The feeling of sympathy will be enhanced by those of cordial assent and of gratitude when he adds that "those who take an interest in Border story, although unconnected with the not very worldly wise—as regarded their own aggrandisement—but brave and loyal race of Rutherford, may consider the labour expended in this eudeavour to trace the descent of the various families of the name not altogether unserviceable." Certain it is that the labour of the author has been a labour not of service merely, but of love. This is testified in every page and line of this beautiful volume. First, the pedigree of the Rutherfordds, from Hugo de Rodirforde (1215) to the fourth and last Lord Rutherford, who died in 1724, is given as it was set forth by Sir Robert Douglas of Glenbervie in 1764. This is followed by an account of the family and its chief branches, beginning with Ruthirfurd of that ilk, and including the Ruthirfurds of Edgerston, Bowland, Fairmington, Hunthill, and Longnewton, and the Rutherfurds of Keidheuch, Capehope, Ladfield, Hundalee, and Fernilee. Their connections with such noble houses as those of Buccleuch and Roxburghe are carefully traced, and there are interesting notices of the part members of the family took in Border warfare. We are told, for example, how "Stout Hunthill" was present at the raid of Red Swyre, "with his nine sons him about," and how the grandson of the Black Laird fought at Dunbar, Drone, and at Worcester, where he made the rebels "flee before his sword like swallows." We are also reminded that Mrs Cockburn, the author of "The Flowers of the Forest," was a daughter of Robert Rutherford of Fernilee. Probably not the least interesting fact noted in the comprehensive history is the connection of Sir Walter Scott with the family. His mother, Anne Rutherford, was descended from the house of Hundalee, as is shown in the elaborate genealogical chart attached to the volume. There is also an interesting

reproduction of an old map of Teviotdale and Tweeddale showing the lands of the Rutherfords, from which it appears that they were spread over the whole of the south-east of Scotland, and that their possessions were most numerous in the region between the Jed and the Kale. The volume is further adorned with copies of the coats of arms of all the main branches of the family, beautifully printed in colours, and with *fac-similes* of charters, sasines, letters of tutory, and deeds of gift, executed with remarkable skill and beauty. Altogether, the book is as fine an example of a family history as has ever been produced.

Opinions expressed by recent purchasers of the volume as now being issued :—

Broxmore, Dorking, Surrey, Nov. 24, 1900.

DEAR SIR,—I thank you very much, and so do we all, for your answer to my letter. My brother sends cheque for £3 3s 6d (6d for cost of collection, being English cheque), which I now enclose, and would like to have the book of the History of the Rutherfords, with the chart, forwarded as soon as you can conveniently do so, and most glad he is he heard of it while there is still a copy to be had. We all sincerely hope you will have health and strength to finish the work, and any assistance we can give you we should be most pleased to render.

The origin of our present enquiries was my brother desiring a book plate, and sending the family arms (as used by my grandfather, George Rutherford) for that purpose to the College of Arms in London.

A reply came that the arms of the Rutherford family were not registered in England, but in the Lyon Office, Edinburgh. The arms were sent to the Lyon Office, and the reply came that the arms were correct, but the crest different, no griffin being found as belonging to any Rutherford. I enclose a photo. of these arms as used by us. I am sorry it is such a bad print, but the better one is being used in the matter of the book plate.

We are inclined to think ourselves that the griffin and motto must have been our grandmother's (who was an Elliott, and connected with the Sargeant and Clifford families), as the motto *is* the Clifford motto. But my father accepted the arms as they are here represented, and no question was raised about them until (on a visit to Abbotsford in 1893) my brother and I noticed that the Rutherford shield in the hall had no griffin. My father died in 1889, so there was no one to whom we could refer as having knowledge of the matter. It was in 1896 Mr. Laidlaw [custodian of Jedburgh Abbey] gave us your address, and I wish we had been able then to visit Kelso, or on any of our subsequent visits; but our time in Scotland is generally rather limited. Our last visit was in October of last year.

We have no immediate relations of our own name in England. Our great-grandfather, George Rutherford, was a commander in the East India Company's service, and married Susannah Andrew, with whom he left Scotland, either just before the birth of our grandfather, or when our grandfather was quite an infant, for the latter was baptised in the Parish Church of St. John at Hackney, near London.

I know they were descendants of Dr. John Rutherford, whose picture remained in my grandmother's house within our recollection, but was sent, at her death, to my grandfather's eldest son, George Rutherford (C.M.G.), of Durban, Natal. We have now a miniature of Sir Walter Scott's mother (Anne Rutherford, daughter of Dr. John), and I know my father often told how our grandfather related a story of how Sir W. Scott visited him once in London, and told him the exact degree of the relationship. Unfortunately, none of my grandfather's children interested themselves much in such things, so that we have to take up the thread in a very broken condition.

My grandfather chose the law as his profession, which profession my father followed, and also my brother (the latter taking honour law degree at Oxford in 1891). But my grandfather had an only brother, John Rutherford, who followed *his* father's profession, and disappeared very mysteriously in the course of a long voyage. This happened when my father was an infant.

If you can make any use of the above details you are quite at liberty to do so. Thank you very much for the sheets you sent. We found them very interesting, and were especially glad to notice that the Rutherfurds had supported the Stuart cause.

My mother, brother, and sister join me in thanking you for all the information, and in hoping you will be able to complete the work to which you have given so much time and trouble.—And believe me to remain, very sincerely yours,

EMILY MARY RUTHERFORD.

My last sold copy—price £3 13s 6d—was to General Craighill, U.S. Army. It gives the publisher pleasure to print his final communication from the General :—

The Bedford Hotel, 83, Princes Street, Edinburgh,
August 15, 1901.

MY DEAR MR. RUTHERFORD,—I have already sent some of my baggage to Liverpool to be ready for me, Wednesday, when I sail at 1 p.m.

I saw at Abbotsford yesterday the portrait of the mother of Sir Walter, which is certainly like my grandmother, Eleanor Rutherford, and two of her sisters, whom I remember as very old ladies. Sir W.'s mother's *nose* was very pronounced as *Rutherford*, as was also that of one of his daughters.

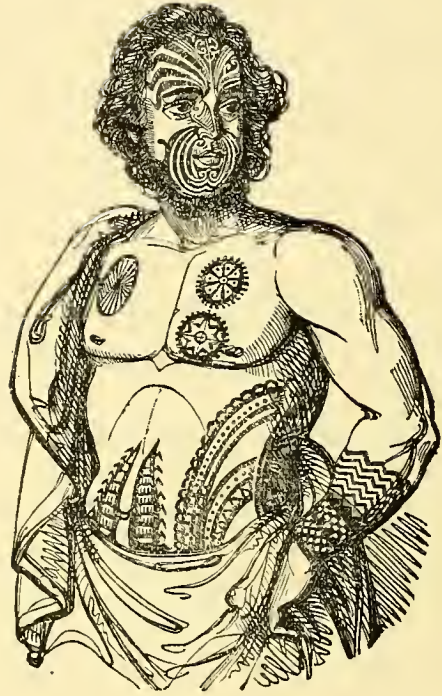
I will look back with pleasure to having seen and known you, and I hope we may meet again. I will soon see Mr. Bingham. I leave now for York, and may visit other English towns not far from Liverpool, or may take a run over into Wales.—Very sincerely yours,

WM. P. CRAIGHILL.

In addition to the above purchased by General Craighill, other copies have recently been sent to the U.S.A., New Zealand, Australia, India, and elsewhere abroad. At present the publisher has an enquiry for it from Mexico.

For conditions on which copies are supplied see circular to enquirers herewith.

20, Square, Kelso, Scotland.

Illustration.

Portrait of JOHN RUTHERFORD, an Englishman. One of the ship *Agnes*, captured and wrecked by the natives of New Zealand, March, 1816. Of the crew, most of them were killed and eaten by the natives. Rutherford was reserved and tattooed, as shown in the portrait. After ten years' captivity he made his escape. In the composition of his *Life*—now a rare volume—he is said to have been assisted by the late celebrated Lord Brougham, who had it published by the Society for the Diffusion of Useful Knowledge, of which his Lordship was president.

[The New Zealanders ... with history of John
Rutherford, a sailor ... 1830.]

THE RUTHERFURDS.

An Authority on their History.

From the *Weekly Scotsman*, Nov. 2, 1901.

THE RUTHERFURDS AND MOWBRAYS.—Some time ago a query was printed above my name asking the origin of the name Rutherford. It failed to elicit a reply; I should like to appeal again. Surely some one knows. I also desire to obtain information about the name Mowbray. As I am a descendant of both, I will thank any reader for this information.—WHITE ROSE.

Perhaps I may be allowed to add some more information to the reply given last week by "W. T. O." to the inquiry concerning this famous Border family. A very sumptuous history of the Rutherfords (compiled by the late Thomas Cockburn-Hood, Esq.), containing a large genealogical chart and a map of Roxburghshire showing the various properties held by them in that county, was published some years ago by Mr James H. Rutherford, bookseller, Kelso. He has still a few copies of this work in his possession, and is engaged at present collecting further information to be published as a supplement.

I met this fine old Scottish gentleman, himself a direct descendant of one of the oldest branches of the race, a few days ago on the streets of Edinburgh, and on informing him that I had seen an inquiry in the *Weekly Scotsman* concerning the Rutherfords, he quickly replied—

"Indeed, then tell him to write to me."

So "White Rose" knows where to go. Probably no one in Scotland or elsewhere knows more about this Border family than the gentleman named.

As mentioned by "W. T. O.," Jeffrey's "History of Roxburghshire" contains a great deal of information about this family, but his allusion to the Gipsies must not be misunderstood. It is true that, owing to the severe penal laws directed against the Gipsies in the reign of Charles II., a considerable number of these people adopted the name of Rutherford for their own protection, just as others of their race adopted the names of Blythe, Gordon, &c., for the same reason. But, of course, the Rutherfords proper have no connection whatever with these people, nor, need I say, have they a drop of Gipsy blood in their veins.—J. R. B. [John Rutherford Brown, Kirby, Yorks].
16th November, 1901.

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A SHORT BORDER HISTORY.

By **F. HINDES GROOME.**

Author of "In Gypsy Tents," ex-Editor of the "Ordnance Gazetteer of Scotland," and present Editor of *Chambers's Edinburgh Journal*.

With Coloured Map and an Appendix containing chapters on "Border Mints," "Finds of Ancient Coins on the Borders," a "Border Ballad" by the Ettrick Shepherd, &c.

MESSRS J. & J. H. RUTHERFURD confidently invite attention to the above work. Mr Groome is already favourably known as a writer upon the Gypsies, and as the editor of the "Ordnance Gazetteer of Scotland," which, by the *Times* of November 27, 1885, was styled "the most compact, detailed, and comprehensive work of its kind—one that may be commended without reserve."

A Border History has been distinctly a want in literature. Ridpath's (1776) is excellent, but far too cumbrous and costly for the general reader. Moreover, it breaks off abruptly at the Union of the two crowns in 1693, leaving untouched the three last centuries, with their episodes of the Jacobite risings and other subsequent incidents; nor could it, of course, incorporate the vast amount of fresh material afforded by the general histories of Drs Hill Burton and Skene, by such monographs as Mr Russell's "Haigs of Bemersyde," or by the "Proceedings" of the Berwickshire Naturalists' Club. Chapters are devoted to its physical aspects, and its industrial and political history. Doubtless, in every Border household Mr Groome's History will take a place side by side with Sir Walter Scott's "Minstrelsy" and Professor Veitch's "History and Poetry of the Scottish Border."

OPINIONS OF THE PRESS.

"This little book, it may be said in passing, is an admirable compendium of Border history, written in a popular style, yet showing everywhere marks of good scholarship, extensive reading, and exact knowledge, with many passages of refined literary beauty."—*Edinburgh [Quarterly] Review*, July, 1887.

"'A Short Border History' is an admirable little book, and supplies a much-felt want; for, as the author says, 'rich as is Border literature, there has till now been no short Border history to slip into the pocket, and be read on the actual battlefields of Otterburn, Flodden, and Ancrum.' Mr Groome loves his subject, knows thoroughly the story of every inch of the 110 miles which, following the Border and starting from Berwick-on-Tweed, one has to travel before one reaches the Solway Firth. He has also a nimble fancy, and is as opinionative as Prof. Blackie himself. . . . It contains all that the stranger, or the tourist at all events, needs to know of the history, the social life, the geography, and the ethnology of the Border. There is scarcely a superfluous, and not one uninteresting, line in it."—*Academy*, Aug. 6, 1887.

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THE HOUSE OF COCKBURN OF THAT ILK AND THE CADETS THEREOF,
with Historical Anecdotes of the Times in which many of the
Name played a conspicuous part. By Thomas H. Cockburn-Hood.
Edinburgh: 1888. Pp. xxx. 396.

The wise King uttered nothing but the truth when he said that
“of making many books there is no end.” There is a touch of the
prophetic in this “proverb,” for no one who had not the power of
peering “far down the ages” could have foreseen how true it was to
become in times far remote from his own. The making of books, as all
know, is a pursuit which is followed in our day far more than in
Solomon’s, and that wise and curious old ruler would be considerably
astonished if he could come back and see the development to which the
“art and mystery” of bookmaking has attained in our era. Probably
he would hold up his hands in horror at the multitude of bad books
which he would see circulating about, whereat he would feel constrained
to add a new chapter to his “Book of Proverbs.” But when he lifted
this new work by Mr. Cockburn-Hood his grief and anger would be
turned to complacency and joy; for the production is of a character to
afford that “instruction” upon which Solomon so much insisted in his
day, and we can conceive somewhat of the pride with which he would
have laid out the book for the inspection of the Queen of Sheba. It is
besides a treasury of genealogical information to persons of the name of
Cockburn, and to those interested in or even remotely connected with
the family. Externally, the book, which is a thick quarto, is rich in all
its appointments. The paper is thick and smooth, the printing of the
letterpress and illustrations good, the margins ample, and the binding
tasteful.

The author prefaces the more strictly genealogical account of the
race of Cockburns by thirty pages of general notes on the Merse, to
which he pays the compliment of applying to it what has been said of
the county of Chester, that it has been somewhat signally a “seed-plot
of the gentry,” and pointing out that while it was the scene of the early
settlement of the Cockburns on the north side of the Tweed, a fair
proportion of persons bearing the name still hold property in it, though
others have migrated to the north and thriven there, planting Merse
names where they themselves had taken root. The Cockburns, according
to the certification of Mr. Hood, supported by the late Cosmo Innes,

either came of the "upper classes" of "Anglican [?] families long settled in Northumbria," or of "Normans of the highest blood and names," who were notably "men of the sword," and ranked themselves "above all servile and mechanical employment," or they descended from Colbrand the Dane (1068), who gave the name to Colbrand's Peth, modernized to Cockburnspath. There is thus a romantic and somewhat glorious uncertainty about the derivation of the race; but there is no room for doubt regarding the dignified and honourable rank of all the early bearers of the name, for they were men of the sword, and therefore above all mean or menial avocations or pursuits. The sword was apt, no doubt, to be employed in the days of old in causes which were always honourable according to the code in vogue among the "bloods" of the time, but the same standard of judgment would hardly pass muster on the score of honesty in our unchivalrous and degenerate days. But let us not venture to become disputatious with the author. The first of the family who had possessions in Berwickshire appears to have had his habitation at Bonkyl, and came upon the scene so early as 1061; but Mr. Hood does not venture to start his account of the race at quite so remote a date on account of want of documentary evidence. Though the Cockburns are first mentioned in connection with Bonkyl, Langton was the chief seat of the race from the time of David II. down to 1751. "During the centuries that rolled by from the day Sir Alexander received from his patron King David the important office of Ostiarius Parliamenti, to be held by him and his heirs for ever, down to that which saw his lineal descendant, Sir Alexander, take his seat as Lord Chief Justice of England, there are few intervals in the history of their country in which the name of at least one of the Cockburns is not found prominently mentioned either as soldier, sailor, diplomatist, statesman, or lawyer." The records of a race so gifted and public-spirited, it may easily be conceived, are well worthy of being carefully and consecutively treated, though it must not be concluded that all are alike eminent and full of great deeds. Indeed, the most memorable thing some of the early members of the family ever did was to "witness" some charter, yet this was no small accomplishment for these early times, when the "clerk" was somewhat despised, and the "soldier" regarded as the man to be alone honoured and rewarded.

The genealogy really commences with Piers de Cokburn, the first *proved* ancestor of the family, who inherited the lands of Cokburn—so named from a burn bearing the name of Cok running through the property—in the Merse, in the reign of William the Lion (1165–1214). Following him was Sir Robert de Cockburn of that ilk and Henderland, who received the rank of knighthood at the hands of Alexander III. (1249–1286). The fortunes of the family are thereafter traced through twenty-two of its heads down to the late Sir Alexander Cockburn, Lord

Chief Justice of England, in whom this line of the family terminated. Other branches are then taken up and dealt with in the same careful and exhaustive manner that is displayed in the treatment of the preceding section. In the vicissitudes and tumults of early times many of the family records have been lost or destroyed, and consequently the author has been constrained to gather his facts almost entirely from the public records. No doubt, these sources are, on the whole, reliable, and, as the author remarks, "from the public records notices of the members of the family are found during the darkest periods of history, enabling a fair idea to be arrived at of the succession of their chiefs from the commencement of the thirteenth century." But had the family papers been available the varied fortunes of the different heads of the house, as well as of its branches, would have been vivified in a manner which is impossible when nothing but official documents are accessible.

In order to allow readers to judge of the manner in which Mr. Hood has done his work—how numerous are his facts, and how closely his narrative is compacted—the following brief genealogy is given:—

"James [Cockburn], fifth son, was styled of Selburnrigg, of which property, in Lammermoor, under Dirington Law (Diringdon), he had possession from his father, subject to his step-mother's life-charge thereon. Sasine in fee was given to him after her death by his brother William, Laird of Langton. He was living there when he witnessed, with his brother Patrick, tutor of Langton, then in Stobbiswoode, the will of Elizabeth Sinclair, widow of his half-brother Alexander, styled of the latter place and Leyiswod, 3d January, 1609, and was one of 'the brethren of William, Laird of Langton,' for whom Patrick, as tutor thereof, gave security that they would not with steel bonneteis on their heads, and weapons invasive in their hands, disturb their neighbours' peace, and 'invade them to their slaughter.' His wife Marion was a daughter of the family of Quhytelaw (Whytelaw), who long held lands in the parish of Greenlaw. James Quhytelaw, son of Quhytelaw of the Ilk, had confirmation under the Great Seal of James II. of the charter from John Heryug, domiuus de Edmeresdene (Edmiston) vic Berwick, of '10 mercatas terrarum in villa et territorio de Greenlaw, ex parte occidentali Aque de Blacadre in comitatu marchie vic Berwici; que terre vulgariter vocantur Blasonbrade.' His grandson, James Cockburn of Selburnrigg, is numbered amongst the many of his race who suffered for their loyalty; he was faithful to the cause of Charles I., and had to take refuge abroad for a time, leaving his lands and his titles thereto in the hands of his kinsman and chief Sir William, who kept possession, as under similar circumstances the lands of a branch of the Dalrymples were afterwards retained by Lord Stair. Selburnrigg was included in the new charter obtained by Sir Archibald. It was but a wild heather-covered country for the most part, but, nevertheless, was the valued home of his family. He married Isobel, daughter of John Cockburn, whose father was of Newholme, in the county of Peebles.

"His great-grandson Thomas, whose mother was also a Mary Quhytelaw, became possessed of Rowchester estate, in the parish of Greenlaw; he had also Scarlaw, in Cranshaws parish, and Bankhead and other lands, in the parish of Eccles, in the Merse. He was a Writer to the Signet and Deputy-Keeper of the Great Seal, of which his ancestor Sir Alexander was Keeper in 1390. He married 3d December, 1752, Agnes, eldest daughter of John Scott of Belford, in the parish of Morebattle, county Roxburgh, by his wife Marion, daughter of Alexander Baillie of Ashiesteel, whose wife Mary was daughter of Bishop Wood, of Edinburgh, temp. Charles II. John Scott's father Charles, second son of Sir John Scott, first baronet of Ancrum, was a devoted adherent of the Stuart cause, and being 'out' in 1715, died in the tower of London. His wife Margaret was the daughter of John Ruthirford of Capehope, Captain in H.M. Guards, who was *de jure* fifth Lord Ruthirford. Their son, the above-named John Scott, was true to the loyal instincts of his race, and met Prince Charles Edward at Kelso in 1745, bringing all the money he could raise, carried in saddle bags by himself and his servant. Many a hunted Jacobite found refuge in a hiding-place in the old house of Belford, and much as they had suffered for the Stuarts, he and his

in after years never raised their wine-glass to their lips without passing their hand across it in token that they drank to the health of 'their king over the water.' Margaret Ruthirfurd's brother, Alexander, Lord Ruthirfurd, was thus styled in the *Gazette* of 16th April, 1757, in which his promotion to a company in the Royal Regiment of Horse Guards was notified. On his death, unmarried, the representation of the family of the Ruthirfurds of Capehope, and the Lords Ruthirfurd fell to John, the eldest son of Thomas Cockburn of Rowchester, through his mother, Agnes Scott. This John Cockburn of Rowchester, married Jane Ross, heiress of Shankwick, county Ross, representative of the ancient Earls of Ross. He assumed the additional surname of Ross, and, going to reside on his wife's estate in Ross-shire (of which county, as well as of Berwickshire, he was a deputy-lieutenant), he sold Rowchester and his other lands in the latter county, and the name of Cockburn ceased to appear on the roll of its landholders after having been so prominent for seven hundred years. It still, however, continued to be represented there by his nephew, John Cockburn-Hood of Stoneridge, a magistrate and deputy-lieutenant for the shire, who also paternally descended from the family of Selburnrigg. He was the grandson of Thomas Cockburn of Rowchester, and Agnes Scott. His estate in the Merse is held by his son, General John Cockburn-Hood, C.B.

"Sir Alexander Cockburn-Campbell, Baronet, another grandson of the same Thomas and Agnes, inheriting, under special limitation, a Campbell baronetcy, assumed that additional surname. His son, Sir Thomas Cockburn-Campbell, fourth Baronet, is the present representative in the male line of James Cockburn, first of Selburnrigg. Sir Stafford H. Northcote, Baronet, of Pynes, created Earl of Iddesleigh, was the grandson of Thomas, second son of the above-named Thomas of Rowchester and Agnes Scott, who married Henriette Colebrooke. They had besides Agnes Cockburn, Lord Iddesleigh's mother, a son Thomas, who died unmarried. Thomas Cockburn of Rowchester died in 1796, aged seventy-three. His father's tombstone at Langton bore the following inscription:—'Hic jacet quicquid mortale Davidis Cockburn unicus filius legitimus Thomæ Cockburn qui fuit filius legitimus natu maximus Jacobi Cockburn de Selburnrigg, vir erat fortis pius, honestus in negotiis assiduus, verus, abiit tertio die mensis Junij anno salutis 1763, ad annum septuagesimum sextum vite perutilis.'"

There will be but one feeling, however, on the part of all readers regarding the way in which Mr. Hood has overcome the difficulty of the task to which he set himself, and that will be one of gratitude and admiration. The amount of arduous and irksome investigation involved in such a work must have been prodigious; but the author appears to be highly gifted with the virtues of patience and perseverance, along with a painstaking care and exactitude in the minutest details which shed light upon or impart precision to a narrative, which greatly enhance his other qualifications for the task, and stamp his work with the seal of "first-rate." The work is a valuable addition to local literature in the department to which it belongs, and will form a perfect quarry for all who desire to become acquainted with Berwickshire history. To those who are by family connexion interested in the genealogies traced in its pages, the book ought to be welcomed and prized, and every library in the Merse of the slightest pretensions to be furnished with works of primary interest and value must be regarded as poor and defective without it.

The book acquires added value from its being furnished with reduced sections from Pont's and Bleau's maps showing the possessions of the family, and with *fac similes* of charters and other legal instruments, as well as seals and coloured coats of arms of the various branches of the family. Reference has also been made easy by means of a copious index.—*Kelso Chronicle*, 11th January, 1889.

In reply to yours of the.....re Mr. Hood's Volume and its supplementary pages.

My object in compiling the latter was to place on printed record a host of collected material and reminiscences I possessed of Rutherford interest not taken up by Mr. Hood, whose pages are virtually but an expansion of the Rutherford article as given in Douglas's Peerage of Scotland.

What with outside assistance and my own efforts the supplementary pages already printed, or at press equal in number those of Mr. Hood's original. The accompanying waste pages will apprise you of the subjects and objects aimed at. These have so grown on me that I despair of living long enough (I am in my 83d year) of completing my pages on the lines I have sketched out. As it is:—my purpose and its objects, and my work thereon having become known, requests frequently reach me for information thereanent (many of the inquiries coming from abroad), hence my compilation of this circular.

The stock of Mr. Hood's compilation, limited to begin with, is likely to be soon exhausted, while mine is still in progress. And here I may mention I make it a rule to announce to every inquirer (as I now do unto you), that my supplementary additions to THAT ILK are sold without guarantee of completion.

Copies of the Supplementary pages done up in a volume with those of Mr. Hood is priced £3 13s 6d *net* (as additions are added the price will be increased). For the Additions only—in a Portfolio for their keeping, and the convenience of adding thereto (subject to the same non-guarantee)—the price (subject to increase) is £1 5s *net*.

At the price stated the volume is small bulk for the money. When Mr. Hood issued his volume his first price was £2 2s *net*, which he soon raised to £2 12s 6d *net*. At both these prices several copies went through my hands to Rutherford purchasers.

Never satisfied myself with Mr. Hood's volume owing to the lack of expansion, I approached him for the transfer of the stock of it, which having arranged, and he dying soon after, I practically withdrew, with a view to its enlargement, the volume from sale, and entrusted the compilation and editing thereof to Messrs. Carmichael and Tait, gentlemen well up in Rutherford history, and otherwise well qualified for the work, when, within a few days of each other—influenza raging at the time—they died. No others possessing the qualifications required for the work, I was thrown on my own resources. As a reading of the pages will show, willing assistance (offered spontaneously) has helped me.

The general admission is that the Supplementary pages, if not of high literary merit, are readable, interesting, and novel in the way of family history.

Waiting your further commands,

I remain,

Your obedient Servant,

JAMES H. RUTHERFURD.

THE RUTHERFURDS OF THAT ILK AND THEIR CADETS.

Compiled from the Public Records and other Authentic Sources.

[BY THOMAS COCKBURN HOOD, Esq.]

EDINBURGH, 1884.

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- „ The Dolphinston Branch. Text and Coat. li.-liiii.
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NOTE.

The Genealogical Chart of the Rutherfuds—well worth the framing—can be had for 5s. Mr. Hood had some extra copies of it printed for separate sale, which he priced at 10s 6d.

J. H. R.

